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THE LAWS OF LEROTHOLI IN BASUTOLAND

INTRODUCTION

The Laws of Lerotholi is a historic document which puts in authoritative form some of the customs of the Basuto that are enforced by the courts. It appears to have been compiled by the National Council of Basutoland about 1907. These Laws were revised in 1922 when they were printed in pamphlet form. They were revised again in 1946 and it is this version that is printed below by kind permission of the Basutoland Administration. The first part is a "declaration of Basuto law and custom", a recording rather than a code, since it has never been given statutory authority. The second part has the force of statutory Rules under a Proclamation. So has the third part (not published here) which consists of rules of the Native Courts.

PART I

1. Under the Native Administration Proclamation 61 of 1938 the Paramount Chief has full power and authority over every native resident in Basutoland. Any native who disobeys any order or rule lawfully issued or made under that Proclamation will be liable to the penalties prescribed in the Proclamation.

2. The succession to chieftainship shall be by right of birth: that is the first born male child of the first wife married: if the first wife has no male issue then the first born male child of the next wife married in succession shall be the chief.

Provided that if a chief dies leaving no male issue the chieftainship shall devolve upon the male following according to the succession of houses.

3. (1). If a chief dies leaving a minor son the senior widow or the younger brother of the deceased chief may act as chief during the minority of such son, and when that son ceases to be a minor the widow or the younger brother shall give place to him.

(2). A minor heir immediately after his marriage if he is under the age of twenty-one years, or on attaining the age of twenty-one years shall be

presented through the correct channels by his paternal uncles or such other persons whose duty it is under Basuto Law and Custom to do so, to the Paramount Chief, who may if he is satisfied that such heir is capable of carrying out the duties of chief, recommend to the High Commissioner his declaration as a chief or defer such recommendation for such period as he shall think fit.

4. Cancelled. See Rule 34 in Part II.

5. A maternal uncle shall be given a portion of the dowry paid for the marriage of his nieces if such nieces be married by native custom and if the maternal uncle contributed towards the maintenance¹ of his nieces. If such uncle fails to contribute towards the maintenance of his nieces he shall have no claim to a portion of the dowry.

The portion of dowry to be paid to the maternal uncle shall be based upon the amount of the dowry received.

¹ "Contributing towards the maintenance" means contributing towards the clothing, initiation and entertainment, etc., of the nieces or contributing towards the dowry for the marriage of the brothers of such nieces.

6. No native shall be liable for a wrongful act or debt of his adult relative or friend, but the head of a family may be held liable for a wrongful act or debt of his minor children (i.e. unmarried children living in his house and under his control).

7. (1). Every chief and every headman who has the right (tokelo) has the power to allocate land in his area for cultivation.

(2). Every chief and every headman who has the right, shall frequently inspect all allocated lands in his area and is empowered to take away lands from people who in his opinion have more lands than are necessary for their families' subsistence and grant such lands so taken away to people who have no lands or insufficient lands.

(3). It will be at the discretion of the chief or headman who has the right, to take away a land or lands from any native who, through continued absence or insufficient reason, fails for two successive years properly to cultivate or cause to be cultivated the land or lands allocated to him.

(4). No widow shall be deprived of her lands except under the provisions of sub-paragraphs (2) and (3).

(5). On the death of a person who has been allocated the use of property consisting of lands, gardens or tree plantations, his heir, or in the absence of his heir, the dependants of such person shall be entitled to the use of such property as long as he or they continue to dwell thereon or in the immediate vicinity thereof; Provided that the chief or headman of the area in which such property is situate may, for the purpose of re-allocation in terms of sub-paragraph (2), take away such lands as he deems to be more than necessary for the subsistence of such heir or dependants.

(6). When under sub-paragraphs (2) or (5) above, a Chief or Headman orders that a land or lands be surrendered, the person so ordered to surrender a land or lands shall have the right to choose which land or lands shall be surrendered.

(7). Except in the public interest it shall not be lawful for any person to be deprived of his lands, gardens or tree plantations except in accordance with the provisions of this law.

8. No person shall be deprived of his hut or huts except under the authority of an order of a competent Court.

9. (1). Any person removing from one place to another shall, after notifying his chief, sub-chief or headman, be entitled to dismantle or to sell his hut or huts provided all the building material was purchased by him.

10. Under the provisions of Section 28 of the Native Courts Proclamation No. 62 of 1938 any person aggrieved by any order or decision of a Native Court may appeal from the judgment of that Court to a Native Court of appeal and so on until the Court of the Judicial Commissioner is reached; but such native appealing must conform to the rules governing Native Courts.

11. (1). The heir in Basutoland shall be the first male child of the first married wife, and if there is no male in the first house then the first born male child of the next wife married in succession shall be the heir.

(2). If there is no male issue in any house the senior widow shall be the heir, but according to the custom she is expected to consult the relatives of her deceased husband who are her proper advisers.

12. (1). When a man dies leaving an heir who is a minor, the person appointed as guardian of the heir and administrator of the estate shall keep a written record of the administration of the estate, and this record shall be open to inspection by the paternal uncles, and by other relatives of the heir as are permitted to do so by Basuto Law.

(2). No property belonging to the estate shall be sold or otherwise disposed of by the guardian, administrator or widow without the prior consent of the paternal uncles and other relatives of the heir entitled by Basuto Law and Custom to be consulted.

(3). If the heir in any house is a minor, the principal heir, if he is of age, is regarded as his guardian. If the principal heir is himself a minor, the guardian appointed by the relatives for the principal heir shall also be the guardian of the minors in any other house. Such guardian must use the property allocated to any particular house for the maintenance of the heir, his brothers and minor sisters in such house only.

(4). Where property has been allocated to any particular house and the wife in that house predeceases her husband, the property allocated shall remain with that particular house to be inherited upon the death of the father by the eldest son of that house and to be shared by him in accordance with Basuto Law and Custom with his junior brothers in his own house.

13. (1). Subject to the provisions of paragraph 14 the heir in Basutoland shall inherit all the unallocated property of the estate and he is obliged by custom to use the estate with his father's widow or widows and to share with his junior brothers according to their rank, which shall be according to the order in which their mothers were married.

(2). The question of what portion of the unallocated estate shall be set aside for the support of the deceased's widow or widows during her life or their lives shall be decided by the paternal uncles of the principal heir and other persons whose right it is under Basuto Law and Custom to be consulted.

14. (1). If a man during his lifetime allots his property amongst his various houses but does not distribute such property, or if he dies leaving written instructions regarding the allotment on his death, his wishes must be carried out, provided the heir according to Basuto custom has not been deprived of the greater part of his father's estate.

(2). A widow who has no male issue in her house shall have the use of all the property allocated to her house. On her death the principal heir shall inherit the remaining property but he must use the property for the maintenance of any dependants in such house; provided that no widow may dispose of any of the property without the prior consent of her guardian.

(3). If there is male issue in any house other than the house from which the principal heir comes, the widow shall have the use of all the property allocated to her house and at her death any property remaining shall devolve upon the eldest son of her house who must share such property with his junior brothers in his house; provided that no widow may dispose of any property without consultation with the guardian while that son is a minor, and provided further that on the eldest son reaching his majority he will assume control of the property in his house.

(4). Any dispute amongst the deceased's family over property or property rights shall be referred (for arbitration) to the brothers of the deceased and other persons whose right it is under Basuto Law and Custom to be consulted. If no agreement is arrived at by such persons, or if either party wishes to contest their decision, the dispute shall be taken to the appropriate Court by the dissatisfied party.

15. In accordance with the Public Holidays Proclamation No. 69 of 1938 it should be noted that the 12th day of March of each year, which is the anniversary of the union of the late Chief Moshoeshoe and the Government of Her Majesty the late Queen Victoria in 1868, is a proclaimed holiday in Basutoland.

16. Any person who is found in possession of an article or stock or produce suspected to have been stolen and who is unable to give a satisfactory explanation of such possession shall be arrested and taken before an appropriate Court for trial.

PART II

RULES ISSUED BY THE PARAMOUNT CHIEF WITH APPROVAL OF THE HIGH COMMISSIONER, UNDER THE PROVISIONS OF SECTION 15(1) OF THE NATIVE ADMINISTRATION PROCLAMATION NO. 61 OF 1938.

1. No person shall drive the stock or interfere with or confiscate the animals or property of another person, or impose any fine, except in accordance with the law and the rules governing Native Courts. Any person contravening this rule shall be liable on conviction to a fine not exceeding £25 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

2. No person shall abduct or seduce or cause to be abducted or seduced any mentally defective or imbecile woman or girl over the apparent age of 16 years, or any girl under the apparent age of 16 years. Any person contravening this rule shall be liable on conviction to a fine not exceeding £50 or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment. The Court trying the case may, in addition, order the payment of compensation not exceeding ten head of cattle.

3. (1). No person shall abduct or cause to be abducted an unmarried girl over the apparent age of 16 years against her wish, whether with the concurrence of her parents or otherwise. Any person contravening this rule shall be liable on conviction to a fine not exceeding £50 or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(2). Any such girl so abducted should complain without delay to the Court.

(3). In cases where the abduction takes place at the instance of the parents the Court should not grant any compensation to such parents.

4. (1). If any unmarried girl over the apparent age of 16 years is abducted by a man with her consent but against the wishes of her parents, the parents of such girl may bring an action for compensation not exceeding six head of cattle against the man or his parents.

(2). If the man abducts the same unmarried girl a second time against the wishes of either his or her parents, the amount of compensation to be awarded the parents of such girl shall be at the discretion of the Court, and the Court may order the dissenting parents to arrange the marriage.

(3). If horses are employed in such abduction the horses may not be seized by the parents of the girl as compensation or part compensation for the abduction; for such seizure shall be in contravention of Rule 1.

(4). If such girl dies while being abducted, the compensation awarded shall not exceed ten head of cattle.

(5). If such girl so abducted becomes pregnant and dies in labour the compensation awarded shall not exceed ten head of cattle.

(6). If such girl sustains an injury while being abducted compensation not exceeding six head of cattle may be awarded for such injury in addition to the compensation awarded for the abduction.

5. If any person seduces or causes to be seduced any unmarried girl over the apparent age of 16 years while such girl is resident at a school or proceeding to or returning from a school or church service, he shall be liable on conviction to a fine not exceeding £25 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and in addition the Court may grant compensation not exceeding six head of cattle to the parents of such girl.

6. (1). In any case of seduction of an unmarried girl over the apparent age of 16 years other than that referred to in the preceding rule, a claim for compensation by the parents of such girl shall lie against the man, and the Court hearing the case may award compensation not exceeding six head of cattle for the first seduction.

(2). If the same man seduces the same girl a second time, the compensation awarded shall not exceed ten head of cattle.

(3). If the girl seduced has previously been seduced by another man the compensation awarded shall not exceed three head of cattle.

(4). If the girl seduced becomes pregnant and dies in labour, compensation not exceeding ten head of cattle may be awarded.

(5). If the girl seduced becomes pregnant and during such pregnancy or while in labour is seriously injured on account of such pregnancy, compensation not exceeding eight head of cattle inclusive of the compensation awarded for seduction may be awarded.

7. Any person who abducts a married woman or causes any such woman to be abducted shall be liable on conviction to a fine not exceeding £50 or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment; and in addition the Court hearing the case may award to the husband compensation not exceeding ten head of cattle.

8. (1). The compensation awarded by a Native Court for seduction of a married woman shall not exceed three head of cattle.

(2). If the same man again seduces the same woman, the compensation awarded shall not exceed five head of cattle.

(3). If the woman seduced becomes pregnant and dies in labour, the compensation awarded shall not exceed ten head of cattle.

9. In cases of abduction or seduction accompanied by pregnancy, although the case may be heard, judgment may be deferred until after the birth of the child.

10. No person shall take away or cause to be taken away any child¹ from the parent, guardian or person having the lawful custody of such child. Any person contravening this rule shall be liable on conviction to a fine not exceeding £10 or to imprisonment for a period not exceeding two months.

¹ "Child" means any child under the apparent age of 16 years.

11. (1). Every Chief and Headman may set aside special areas for *leboella*.²

(2). No person shall, except in exceptional cases specially approved by the Chief or Headman, graze his stock or any stock in his possession or cause such stock to be grazed in any area set aside by a Chief or Headman as *Leboella*.

(3). Any person wilfully or negligently contravening the provisions of sub-rule (2) of this rule shall be liable on conviction before a Native Court, to a fine not exceeding £3 or to imprisonment with hard labour for a period not exceeding one month, in addition to the fixed damages for which the offender may be liable in terms of sub-rule (4) of this rule.

(4). Any person accidentally contravening the provisions of sub-rule (2) of this rule shall be liable to pay to the Chief or Headman who declared the *leboella* fixed damages at the following rates :

6*d.* a day or part of a day for each head of large stock³ ;

1*d.* a day or part of a day for each head of small stock⁴ ;

provided that if damage can be proved to reed beds, thatching grass or trees, these fees may be doubled in respect of the animals causing such damage, with a maximum for such additional fees of 5/-.

Receipts shall be given for all fees paid.

(5) (a) Every Chief or Headman shall be required

(i) to maintain a pound for trespassing stock ;

(ii) to make arrangements at his own cost for the surveillance of *leboella* areas under him, and the herding of trespassing stock ; and

(iii) to submit every month to the Native Court having jurisdiction in his area a

² "*Leboella*" means an area set aside for the propagation of grass, thatching grass, reed beds, tree planting or rotational grazing.

³ "Large Stock" includes cattle, horses, mules and donkeys.

⁴ "Small Stock" includes sheep and goats.

list of all payments collected by him under the provisions of sub-rule (4) of this rule.

(b) Native Courts shall register the lists of payments submitted to them under the provisions of sub-paragraph (5) (a) (iii) of this rule, and shall forward them to the District Commissioner of the district in which the Court is situated.

(6). It shall be lawful for the Chief or Headman of any area, after consultation with the Agricultural and Livestock Officer of the district, to order that stock shall be excluded from the sources of rivers and streams and from the eyes of springs situated in that area, for the protection of the catchment areas from soil erosion.

12. (1). Every male native who —

- (a) is of the apparent age of twenty-one years or over on the first day of April in any year ; or
- (b) although under the apparent age of twenty-one years on the first day of April in any year, is married ; or
- (c) on leaving the Territory during any year to work under the provisions of the Basutoland Native Labour Proclamation, 1942, is of the apparent age of eighteen years or over when attested :

shall pay to the Collector for the area in which such native resides, for the purposes of the Native Administration, a local rate of one shilling per annum for the year commencing on the first day of April, 1950, and ending the thirty-first day of March, 1951, and for each succeeding year thereafter.

(2). Provided that the apparent age of a person shall be determined by the Collector subject to appeal to the Paramount Chief whose decision shall be final,

and provided that a "Collector" shall mean any tax clerk or other person appointed to assist in the collection of the local rate.

12. Bis. (1) (a). Any native who —

- (i) refuses or wilfully neglects to pay the local rate for which he is liable ;

(ii) by any means whatsoever evades or attempts to evade payment of the local rate ; or

(iii) obstructs or hinders any collector, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one pound or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment.

(b) For the purposes of this rule a local rate payer shall be deemed to have wilfully neglected to pay his local rate if after a period of six months from the date when the same became due the local rate remains unpaid.

(2). The imposition of any fine or imprisonment under Rule (1) shall not relieve any native from the payment of the local rate due and payable by him, but the local rate for the non payment of which any native has been convicted may be treated as a judgment debt and shall be recoverable as such under the provisions of rule (3).

(3). Upon the conviction of any native under rule (1) (a) (i), if it be shown to the satisfaction of the Court before which such native is convicted that he has sufficient property to pay the local rate owing by him without being deprived of his means of subsistence, the Court may issue an order to attach sufficient movable property of the accused and to sell the same and to apply the proceeds to the payment of the local rate owing by the accused.

(4). (a). A receipt for the payment of the local rate shall be in such form as the Resident Commissioner and Paramount Chief may from time to time approve and shall be given to every native in acknowledgment of the payment made by him.

(b) Every collector who receives from any local rate payer money tendered in payment of local rate shall immediately give to such local rate payer a local rate receipt on the approved form. Any such collector who intentionally

omits to give a local rate receipt as aforesaid or gives a receipt for an amount other than that received shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds or in default of payment to imprisonment for a period not exceeding two months, or to both such fine and imprisonment.

(5). Any Collector who in the course of collecting or under colour of collecting the local rate —

- (a) Knowingly demands from any native an amount in excess of the local rate to which such native is liable ; or
- (b) withholds for his own use or otherwise any local rate or portion of any local rate collected ; or
- (c) renders false returns, whether verbal or in writing, of the amounts collected or received by him ;

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding three months or to both such fine and imprisonment and any amount in respect of which any person has been convicted under paragraph (b) of this rule may be recovered by execution against such person's property.

- (6) (a). Any Chief or Headman or any collector may at any time require any person whom he has reasonable grounds for believing to be liable for the local rate to produce his local rate receipt in respect of the local rate last payable, and any Chief or Headman or any collector may retain any receipt produced for such time as may be reasonably necessary for the purpose of identifying the person named therein with the person producing the same.
- (b) Where such person fails to produce such receipt, or alleges that he is not liable for the local rate, the Chief or Headman or the Collector may require him to furnish such information as the Chief or Headman or the Collector may consider neces-

sary for the purpose of ascertaining whether he is liable for or has paid the local rate ; and for the purpose of verifying any such information, the Chief or Headman or the Collector may require such person to accompany him to a tax office and to remain there for such period as may be necessary to verify the information given or until permitted to depart.

- (c) Any person who wilfully refuses to produce his local rate receipt for inspection ; or who produces a local rate receipt granted to some other person, or who furnishes any false particulars in regard to any information which may be required of him, or who fails to comply with any lawful directions issued by a Chief or Headman or by a Collector under this rule, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one pound or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment.

(7). Notwithstanding anything contained in these Rules any native who is domiciled in some country other than the Territory and who can show to the satisfaction of the Collector that he ordinarily pays tax in that country shall not be liable to pay the local rate.

(8). Any person who, not being authorised under these Rules so to do, collects or attempts to collect any local rate shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

(9). In these rules unless the context otherwise requires "local rate" means any local rate imposed by the Paramount Chief in terms of Section fifteen A of the Basutoland Native Administration Proclamation, 1938.

13.(1). Every Chief and Headman is hereby empowered to establish a pound and to charge the owner of any impounded stock fees as set out in the schedule hereto :

SCHEDULE

*Large Stock*¹—6d. per day for each group of 10 head or lesser number.

*Small Stock*²—1d. per day for each group of 10 head or lesser number.

(2). Any animal³ found grazing on areas set aside as "*leboella*" as defined in Rule 11 hereof, may, on the instructions of the Chief or Headman as the case may be, be impounded in the pound mentioned in the preceding sub-section and the owner of any land or any person acting on his behalf, may in like manner, impound any animal found causing damage to his land.

(3). The owner of animal found doing damage to land, or any person acting on his behalf, may at any time before such animal is actually impounded tender to the owner of the land damaged the amount claimed in respect of such damage, and on payment of this amount the owner of the animal shall be entitled to receive immediate delivery of such animal.

(4) (a) Any person claiming damages by reason of trespass committed by any animal sent to the pound shall inform the Chief or Headman of the amount of damages claimed.

(b) If the owner of the animal, or any person acting on his behalf, disputes the amount claimed as damages, the Chief or Headman shall depute two independent persons to assess the damages; Provided that if either party is dissatisfied with the amount assessed such dissatisfied party may take the matter to court.

(c) Any animal impounded shall be released to the owner on payment of the pound fee even though there may be a dispute about the amount of damages assessed.

(5). If any owner of impounded stock should fail to pay the pound fees and damages due in respect of the impounded stock, the chief or headman in whose pounds the stock are being detained may after fourteen days from the day the stock was impounded sell such of the stock as shall be sufficient to pay for the pound fees and damages and shall return to the owner of the stock the balance, if any, of the proceeds of such sale together with any unsold stock; Provided that if the owner of the stock wishes to appeal against the impounding of his stock, the stock shall be released pending the result of the appeal, and provided further that the Chief or Headman in whose pound the stock are detained shall give a public warning of the intended sale at least two clear days before the stock is sold.

14. Any animal impounded for damage to lands, or as stray stock, or as disputed stock, or as stock found in possession of thieves, or as stock suspected to have been stolen, shall be in the custody of the chief, sub-chief or headman until claimed or otherwise disposed of according to law; and if any chief, sub-chief or headman shall carelessly use any such animal with the result that the animal is injured or dies, such chief, sub-chief or headman shall be liable on conviction to a fine not exceeding £5. The owner of any animal which dies whilst in the custody of any chief, sub-chief or headman shall be entitled to compensation provided that such animal's death resulted from the negligence of or improper use by such chief, sub-chief or headman.

15. The owner of any pig shall keep such pig in an enclosed space away from the village, and any owner failing to obey this rule shall be liable on conviction to a fine not exceeding £1. If any pig not so enclosed damages any garden, land or plantation the Court fining the owner may, in addition, award compensation for any damages done by such pig.

16. (1) In cases in which a person is convicted of theft, the court may, in addition to any punishment imposed, order the convicted person to

¹ Large stock includes cattle, horses, mules and donkeys.

² Small Stock includes sheep and goats.

³ "Animal" in this rule means any horse, donkey, mule, bovine, sheep or goat.

replace the article or stock stolen, and also, in cases of stock theft, to pay as damages to the complainant, the number of stock indicated in the following table or the value thereof at current rates :

<i>Number of stock proved to have been stolen from complainant.</i>	<i>Number of stock to be awarded as damages.</i>
One to ten	one
Eleven to twenty	two
Over twenty	three.

Provided that stock awarded as damages in terms of the table shall be of the same kind as those stolen.

(2) As often as more persons than one shall be convicted of theft of any article or stock, then any judgment which may be given for replacement and damages or for replacement without damages shall be deemed to be joint and several, and may be executed against the property of any one or more of the persons who have been so convicted. Should any one of the persons against whom such joint and several judgment has been pronounced pay more than his proportionate share of the judgment debt by way of execution or otherwise, he shall be entitled to recover the excess paid by him from his co-debtors ; provided that he shall not be entitled to recover from any one co-debtor more than the proportionate share of the judgment debt payable by such debtor.

17. (1) Under section 32 of the Basutoland Stock and Produce Theft Repression Proclamation No. 80 of 1921 — “no person may acquire stock, wool or mohair by purchase, barter or in any other way from natives or from persons having no known place of habitation without a certificate (bewys) from a chief or headman on the prescribed form issued by Government certifying that the transferer is entitled to transfer such stock, wool or mohair”.

(2) Every *bewys* shall be issued in the following manner :

- (a) the *bewys* shall be clearly written in indelible pencil with double-sided carbon paper between original, and counterfoil

copy, and shall be clearly date-stamped and signed by the chief, sub-chief, headman or authorised *bewys* writer ;

- (b) only one large animal (beast, horse, donkey or mule) shall be written on any one *bewys* and such animal shall be clearly described by its colour and marks : Provided however that when such animals are being driven to cattle posts for pasture, any number of such animals may be written on a single *bewys* ;
- (c) not more than 20 small stock (sheep and goats) shall be written on any one *bewys* : Provided however that when such small stock is being driven to cattle posts for pasture, any number of such stock may be written on a single *bewys* ;
- (d) each *bewys* shall clearly indicate the purpose for which such *bewys* is issued ;
- (e) All stock for which a *bewys* is sought shall be produced for inspection before the Chief, headman or authorised *bewys* writer ; provided that a *bewys* may be issued for pigs without production of the pigs but on presentation of written evidence of his ownership from the owner's chief or headman.

(3) Any chief, sub-chief, headman or *bewys* writer who knowingly —

- (a) issues a *bewys* in a manner contrary to the provisions of sub-rule (2) of this rule, or
- (b) issued a *bewys* to an unauthorised person, or
- (c) issued a *bewys* to some person knowing that such person owns no stock, or
- (d) issued a *bewys* knowing that the stock or wool or mohair has been illegally acquired, or
- (e) fails to take proper safeguards to see that *bewys* books entrusted to his care are not used by an unauthorised person, shall be liable on conviction to a fine not exceeding £25 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(4) Any person who knowingly makes a false statement regarding the ownership of stock, wool or mohair, or who in any manner performs any act with intent to obtain a bewys wrongfully shall be liable on conviction to a fine not exceeding £10 or to imprisonment for a period not exceeding two months or to both such fine and imprisonment.

18. (1) Whenever an owner of sheep or goats wishes to shear his flock at the cattle post (*motebo*) he shall notify the nearest headman to such cattle post, and such headman shall either himself or by a duly appointed representative attend such shearing. The headman or his representative shall then report to the nearest chief, sub-chief or headman in possession of a bewys book the number of bags of wool or mohair obtained from such shearing whereupon the owner of the wool or mohair shall obtain a bewys to enable him to transport his clip or part of such clip for sale.

(2) If an owner of sheep or goats having his flock at a cattle post desires to remove his flock for shearing to his home or to a recognized wool-classing outfit, he shall obtain a bewys stating the total number of sheep or goats being driven for such shearing and shall produce such bewys to his headman or to the person in charge of the wool-classing outfit before commencing to shear his flock.

(3) If the flock is shorn at a recognized wool-classing outfit, the owner shall, after obtaining a certificate from the person in charge of the outfit of the number of bags of wool or mohair obtained, produce such certificate to the nearest chief, sub-chief or headman to enable a bewys to be issued to him. On receiving such bewys the owner may then remove his wool or mohair or dispose of it to whomsoever he wishes.

(4) "Recognized wool-classing outfit" means an outfit at which a wool-classer, certified as such by the Director of Livestock and Agricultural Service, is employed.

19. Any person driving or in possession or control of any stock other than a riding animal, or wool or mohair outside his sub-chief's area,

shall have in his possession a bewys issued in accordance with the provisions of sub-rule (1) of Rule 17 and of Rule 18 and shall produce such bewys for inspection by any person demanding it; and if such person has no bewys, or has an irregularly issued bewys or refuses to produce his bewys when called upon to do so he shall be liable on conviction to a fine not exceeding £2 or in default of payment to imprisonment for a period not exceeding 14 days.

20. (1) Every person who finds any stray animal or animals shall immediately report the presence of such stray stock to his Chief or Headman, and may then retain possession of the stray stock for a period of two months, provided that no use whatsoever is made of the stray stock.

(2) Every person who retains stray stock under the provisions of sub-rule (1) of this rule shall, if the stray stock is not claimed within two months from the date of finding, deliver such stock at the end of this period to his Chief or Headman, who shall immediately cause such stock to be handed over to the nearest stray stock centre, established under the provisions of sub-rule (3) of this rule.

- (3) (a) Stray Stock Centres shall be established by every Principal and Ward Chief in such areas as shall from time to time be approved by the Paramount Chief.
- (b) Every Stray Stock Centre shall be established at the site of a recognized Native Court and the President of such Court shall be caretaker of the Stray Stock, subject to the directions of the Principal or Ward Chief.

(4) Any stock found off a Government Reserve which form the subject of a criminal trial and are unclaimed at the conclusion of the case shall immediately be handed over to the nearest stray stock centre.

(5) Any stray stock which have been impounded in accordance with the provisions of sub-rule (2) of Rule 13 shall be kept in the pound for a period

of two months and shall, if unclaimed at the end of that period, be handed over to the nearest stray stock centre by the Chief or Headman in charge of the pound.

(6) Any person claiming damages by reason of trespass committed by stray stock which have been impounded shall inform the Chief or Headman in charge of the pound the amount of damages claimed. It shall then be the duty of the Chief or Headman to investigate and assess the damage.

(7) On receipt of any stray stock handed into a stray stock centre in accordance with the provisions of sub-rules (2), (4) and (5) of this rule, the President of the Court at which the stray stock centre is situated shall enter the following particulars in the stray stock register :

- (a) the date the stock was found ;
- (b) the name of the person who found the stock ;
- (c) the place where the stock was found ;
- (d) the date of delivery of the stock to the Stray Stock Centre ;
- (e) the numbers of animals found and their description and
- (f) any certified damages, pound fees claimed in accordance with the provisions of sub-rule (1) of Rule 13 or other charges claimed in respect of such stock.

(8) At the end of every month the President of every Court at which a Stray Stock Centre is situated shall submit to the National Treasury Sub-Accountant of the district, with a copy to the principal or Ward Chief for information, a return in respect of the stray stock delivered to such centre during the month. The return shall give the following particulars in respect of such stock :

- (a) the date the stock was found ;
- (b) the name of the person who found the stock ;
- (c) the place where the stock was found ;
- (d) the date of delivery of the stock to the Stray Stock Centre, and
- (e) the number of animals found and their description.

(9) On receipt of the returns prescribed in sub-rule (8) of this rule, each National Treasury Sub-Accountant shall forward to the National Treasury Controller of Stores a list of all the stray stock handed into the Stray Stock Centres in his district during the previous month. The list shall include the particulars prescribed in Sub-Rule (8) of this rule. Copies of these lists shall be sent to the Paramount Chief and to the District Commissioner and Police Officer of the district for information.

(10) On receipt of the lists prescribed in sub-rule (9) of this rule the National Treasury Controller of Stores shall take steps to advertise the full particulars of such stray stock and their whereabouts.

(11) Any person desiring to release any animal from a Stray Stock Centre shall satisfy the President of the Court at which the stray stock centre is situated that he is the owner of the animal or that he is otherwise entitled to release the same, by production of a bewys issued in accordance with the provisions of Rule 17 or by other satisfactory evidence.

(12) The President of the Court at which any stray stock centre is situated shall, before delivering up any stray animal demand from the owner thereof the amount of any certified damages, pound fees or other charges claimed as a result of trespass, committed before such stray stock were handed over to the stray stock centre, together with the charges due in accordance with the provisions of sub-rule (14) of this rule : and if he shall refuse to comply therewith or shall deny his liability to pay such an amount of damages or other charges the owner shall state forthwith his objection to the President of the Court at which the Stray Stock Centre is situated who shall give notice to all parties concerned and thereafter unless sufficient security be left with him he shall detain such animals until the dispute shall have been settled between the parties ; provided that if the dispute is not settled within two months or satisfactory evidence is given within that time that Court proceedings have been

initiated in respect of such dispute, such stray stock may be sold in accordance with the provisions of sub-rule 13 (a) of this rule.

(13) (a) Any stray stock remaining unclaimed after the expiration of ten months from the date of advertisement of such stock may be sold upon the orders of the Principal or Ward Chief concerned.

(b) At every such sale as aforesaid all animals shall be sold for cash and the proceeds of every such sale, less the amount of any certified damages, pound fees or other charges due shall be handed over to the National Treasury Sub-Accountant of the district, and be paid by him into National Treasury revenue.

(c) Before any stray stock is sold the President of the Court at which the stray stock centre is situated shall issue bewyses for such stock in accordance with the provisions of Rule 17 and shall note on such bewyses that the stock is being sold as unclaimed stray stock.

(14) The tariff of charges payable to the National Treasury in respect of animals kept in a Stray Stock Centre and subsequently claimed shall be as follows :

Large Stock—5*d.* per month for each group of 10 head or lesser number.

Small Stock—1*d.* per month for each group of 10 head or lesser number.

(15) Any person contravening this rule shall be liable on conviction for a first offence to a fine not exceeding five pounds or to imprisonment for a period not exceeding one month or to both such fine and imprisonment and for a second or any subsequent offence to a fine not exceeding ten pounds or to imprisonment for a period not exceeding two months or to both such fine and imprisonment.

21. Any person who hinders or causes to be hindered any other person who is searching for his lost stock shall be liable on conviction to a fine not exceeding £10 or to imprisonment for a period not exceeding two months or to both such fine and imprisonment.

22. Any person who hinders or causes to be hindered any Court Messenger or any lawful messenger of a chief, sub-chief or headman in the execution of his duty shall be liable on conviction to a fine not exceeding £10 or to imprisonment for a period not exceeding two months or to both such fine and imprisonment.

23. (1) Any person finding or picking up any article or money which appears to have been lost shall immediately report the finding or picking up of such article or money to his chief, sub-chief or headman, and any person failing to report or disclose to his chief, sub-chief or headman such finding or picking up shall be liable on conviction to a fine not exceeding £25.

(2) Any chief, sub-chief or headman shall immediately inform the police and advertise in such manner as he shall consider fit the finding or picking up of the article or money.

(3) Should such article or money be unclaimed after a period of six months the finder may retain such article or money.

24. No chief, sub-chief or headman shall impose or exact any levy of money or kind from any person or community of persons save under the authority of a law of the Territory and with the written authority of the Paramount Chief. Any chief, sub-chief or headman contravening this rule shall be liable on conviction to a fine not exceeding £25 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

25. (1) Save as is provided in Section 21 of the Basutoland Liquor Proclamation (No. 58 of 1948), no person shall sell, barter or exchange any intoxicating brew other than "*joala*" or "*leting*".

(2) Any person contravening the provisions of sub-rule (1) of this rule, shall be guilty of an offence and shall be liable on conviction :

(a) in respect of a first offence to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and imprisonment ;

- (b) in respect of a second or subsequent offence to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

(3) Licences to sell beer known to the Basuto as "*joala*" or "*leting*" may be issued by the National Treasury Sub-Accountant of the district on the authority of the Resident Commissioner and Paramount Chief and shall be issued subject to such conditions as shall from time to time be prescribed and endorsed on the licence.

(4) Any person who shall sell, barter, or exchange any "*joala*" or "*leting*" without being the holder of a valid licence or in contravention of any conditions prescribed and endorsed on such licence shall be guilty of an offence and shall be liable on conviction :

- (a) in respect of a first offence to a fine not exceeding ten pounds or to imprisonment for a period not exceeding one month, or to both such fine and imprisonment ;
- (b) in respect of a second and subsequent offence to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months or to both such fine and imprisonment.

(5) It shall be lawful for any Chief or Headman in whose area any person is found selling "*joala*" or "*leting*" or other intoxicating brew at any time to require such person to produce his licence and any such person failing to produce his licence on demand shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten pounds or to imprisonment for a period not exceeding one month or to both such fine and imprisonment.

(6) A fee of £5 shall be payable in respect of each licence issued in accordance with the provisions of sub-rule (3) of this rule, provided that in such villages as the Resident Commissioner and Paramount Chief shall decide a fee of £10 shall be charged ; provided further that where a licence is taken out after the thirtieth day of June in any year the fee payable shall be one-half of that

specified above. Licences shall expire on the 31st day of December in each year.

(7) Payment of the fees prescribed in sub-rule (6) of this rule may, in the case of widows without visible means of support, be waived on the authority of the Resident Commissioner and Paramount Chief.

(8) Any person convicted of an offence against any of the provisions of this rule may, at the discretion of the Resident Commissioner and Paramount Chief have his licence withdrawn.

(9) This rule does not apply in Government Reserves as defined in the Government Reserves Regulations (Basutoland) Proclamation, 1928.

26. (1) Every Chief, sub-chief and headman shall keep his ward free of such noxious weeds as may from time to time be notified to him by the Paramount Chief. Any chief, sub-chief or headman contravening this rule shall be liable on conviction to a fine not exceeding £5.

(2) Every chief, sub-chief and headman is empowered to order the people residing under him to eradicate noxious weeds. Any person refusing or failing to eradicate such weeds when called upon to do so shall be liable on conviction to a fine not exceeding 10/-.

(3) When any person is convicted by a Native Court for failure to eradicate noxious weeds, the Native Court shall be empowered to order that in addition to any fine which may be imposed compensation not exceeding 10/- shall be paid to the Chief or Headman who has taken the case to Court.

27. No person shall grow, be in possession of or use dagga. Any person contravening this rule shall be liable on conviction to a fine not exceeding £25 or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

28. No person shall draw or cause to be drawn any sledge, plough or log along any constructed road or bridle path ; Provided that if it is impossible to pass by any other route, the drawing of any sledge, plough or log along a constructed road or bridle path may be permitted but great

care should be taken to see that no damage is done and the distance travelled along the road or bridle path must be as short as possible. Any person contravening this rule shall be liable on conviction to a fine not exceeding £5.

29. (1) The head of any family shall as soon as possible report every birth or death occurring in his family to his chief, sub-chief or headman so that such birth or death may be recorded in the register provided for the purpose.

(2) Every chief, sub-chief, or headman shall record or cause to be recorded every birth or death immediately such birth or death is reported to him.

(3) Any person contravening this rule shall be liable on conviction to a fine not exceeding £3.

30. Every adult male person residing in a village in which any death may occur or, if there are no adult male persons in such village, such adult male person as may be ordered by the chief, sub-chief or headman, shall assist in digging the grave for and the burial of the deceased person. Any adult male person failing or refusing to assist when ordered to do so shall be liable on conviction to a fine not exceeding £3.

31. No person shall, without the prior permission of his chief, cut down or destroy or cause to be cut down or destroyed any trees or bush, other than his own personal property, whether indigenous or exotic. Any person contravening this rule shall be liable on conviction to a fine not exceeding £5.

32. (1) No person shall burn¹ or set alight any grass or bush in a grazing area.

(2) A chief may, after consultation with the local Agricultural Officer, permit the burning of grass where this is found necessary for the improvement of grazing.

(3) Grass burning will not be permitted until after the first rain in Spring.

(4) After burning, grass must be allowed to grow undisturbed for a period of four weeks.

(5) Any person who contravenes this rule shall be liable on conviction to a fine not exceeding £10 or to imprisonment for a period not exceeding two months or to both such fine and imprisonment.

(6) Where grass burning has been done wilfully or negligently without the approval of the chief and Agricultural Officer of the district, the chief may order that such an area shall not be grazed for a period of one year or more according to the state of the grazing.

33. (1) No person shall institute or establish any circumcision school for boys or initiation school for girls without the prior consent of the Chief or Headman of the area in which it is proposed to institute or establish any such school.

(2) No Chief or Headman shall grant permission for the institution or establishment of any circumcision school or initiation school except at such fixed place or places as have been approved by the Resident Commissioner after consultation with the Paramount Chief.

(3) When any circumcision school or initiation school has been lawfully established in accordance with this Rule, the conduct of such school shall be subject to the following rules :

¹Grass burning will only be permitted on the following grounds :

- (a) For purpose of destroying "*sehalahala*".
- (b) For purpose of destroying old grass, for instance "*letsiri*" ;

- (c) In any other areas where it is considered by the Agricultural Department to be necessary for the improvement of grazing.

- (a) No boy or girl shall be accepted by the conductor of the school, as a pupil at that school, without the expressed consent of the parents of the boy or girl concerned ;
 - (b) No boy or girl shall be forced to attend a circumcision school or initiation school against his or her wish ;
 - (c) The conductor of the school shall be responsible for the orderly behaviour of the boys or girls attending the school, and in cases of abuse of passers-by or assault on other persons by the inmates of the school shall be liable to punishment in the same way as those who actually commit these offences ; and
 - (d) Full opportunities shall be given to the police or the Chief's messenger by the conductor of the school to make investigations into any death at the school for which no satisfactory explanation can be given or into any crime that may have occurred or be suspected to have occurred at the school.
- (4) Any person contravening any of the provisions of this rule shall be liable on conviction to a fine not exceeding £15 or to imprisonment with or without hard labour for a period not exceeding two months or to both such fine and imprisonment, or to such imprisonment without the option of a fine.
34. (1) A marriage by Basuto custom in Basutoland shall be deemed to be completed when :
- (a) there is agreement between the parties to the marriage ;
 - (b) there is agreement between the parents of the parties or between those who stand in *loco parentis* to the parties as to the marriage and as to the amount of the "*bohali*" ;
 - (c) there is payment of part or all of the "*bohali*" ; provided that if the man dies before the woman goes to his parents' house the "*bohali*" shall be returned and the marriage shall be null and void.
- (2) If the woman dies before all the "*bohali*" is paid any balance of the "*bohali*" which remains unpaid shall none the less be payable.
- (3) A form of marriage purporting to be entered into whereby a woman is married to a fictitious person ("*lebota*") or to a person already deceased ("*lebitla*") is expressly forbidden.
- (4) Dissolution of marriage contracted in accordance with the provisions of sub-rule (1) of this rule may be granted by Native Courts on the application of either party on the grounds of the wilful desertion of the other party, or to the wife for the persistent cruelty or neglect of her husband or other cause recognized under Basuto Law and Custom.
- (5) A Court granting dissolution of such a marriage shall make an order regarding the retention or return of "*bohali*" cattle, and to whom the children, if any, shall belong, as may seem just in accordance with the circumstances in which the dissolution is granted.
35. The owner of a garden in a village shall have no claim for compensation for damage done therein by the stray stock of another person unless the owner can show that his garden was adequately enclosed against the entry of such stock.
36. (1) Defamation of character is an actionable wrong.
- (2) In an action for damages for defamation of character, it is not essential for the plaintiff to claim any specific sum, the court being left to assess the amount thereof.
- (3) Every malicious statement, whether spoken or written, alleging evil conduct on the part of any person constitutes defamation : provided that should any person cast an aspersion upon the character of another in the course of a heated quarrel, and within a short time thereafter publicly withdraw and publicly apologise for the same, no claim in damages will lie : provided further, that no action for defamation will lie if the words used were addressed to any person in authority, with reference to the plaintiff or complainant, in good faith, and not with express malice.

(4) In an action for damages for defamation of character the allegations complained of shall be substantially embodied in the summons or statement of claim.

(5) Any unmarried girl whose chastity has been publicly denied, scoffed at, or impeached by any person, is entitled to damages for the slander.

PART III

ORDERS ISSUED BY THE PARAMOUNT CHIEF UNDER THE PROVISIONS OF SECTION 8(1) OF THE NATIVE ADMINISTRATION PROCLAMATION NO. 61 OF 1938.

ORDERS UNDER SECTION 8(1) (g)

1. (1) The head of a family shall report immediately to his chief, sub-chief or headman any case or suspected case of an infectious disease that occurs in his family.

(2) Every chief, sub-chief or headman on receipt of such report shall without delay

- (a) cause the occupants and all the huts of the sick person to be quarantined ;
- (b) submit the following details to the District Commissioner of his district :

- (i) the symptoms of the disease ;
- (ii) the number of persons suffering from the disease ;
- (iii) how many, if any, deaths have occurred ;
- (iv) the age and sex of the sick or deceased persons ;
- (v) the duration of the illness ;
- (vi) where such persons had been visiting before taking ill ;
- (vii) the particulars of any visitors that have recently been staying with the family of the sick or deceased person.

2. (1) Should any animal die and it is suspected that it died as a result of anthrax, the owner shall immediately report such death to his chief, sub-chief or headman.

(2) Immediately on receipt of such a report the chief, sub-chief or headman shall

- (a) cause a blood smear slide to be taken by the nearest native employee of the Agricultural Department from the blood of the dead animal ;
- (b) send such blood smear slides without delay to the nearest District Commissioner, Police Officer or Agricultural and Livestock Officer together with a full report indicating the locality in which the animal died, and the name of the chief and headman of the owner of the animal.
- (c) supervise the burial intact of such dead animal at least five feet under ground at the place where the animal died ;
- (d) quarantine all animals that came into contact with the dead animal until the receipt of instructions from the District Commissioner, Police Officer or Agricultural and Livestock Officer.

(3) On receipt of instructions from the District Commissioner or other officer as aforesaid the chief, sub-chief or headman shall carry out such instructions.

ORDERS UNDER SECTION 8(1) (j)

3. (1) It shall be the duty of every person in whose lands wild oats¹ are growing to destroy the wild oats, whether there are crops growing on the land or not.

(2) Where wild oats are growing between lands, it shall be the duty of the owners of the lands concerned to destroy the wild oats.

(3) It shall be the duty of chiefs, sub-chiefs and headmen to summon "*matsema*" for the destruction of wild oats growing in the veld.

¹ Wild oats can be eliminated from wheat lands by ploughing the lands immediately after reaping. A system of rotation of crops also assists in eliminating wild oats.

(4) When any person is convicted by a Native Court for the contravention of any paragraph of this Order, the Native Court shall be empowered to order that in addition to any fine which may be imposed, compensation not exceeding 10/- shall be paid to the Chief or Headman who has taken the case to Court.

ORDERS UNDER SECTION 8(1) (r)

4. (1) *Construction of anti-erosion works through cultivated fields and pasture land.*

- (a) It shall be lawful to lay down anti-erosion works, such as contour terrace banks¹ and contour grass strips², anywhere in Basutoland where these measures are considered necessary, irrespective of field boundaries.
- (b) It shall be unlawful to reduce buffer grass strips to a width of less than six feet (two yards).

(2) *Ploughing on the contour.*

In areas where there are contour works ploughing shall be carried out by land holders on the contour parallel to the terraces or grass strips. Ploughing up and down the slopes between the contour works, or ploughing into or over or at an angle to the contour works, is prohibited.

Where anti-erosion work has not yet been carried out the land should be ploughed across the slopes.

(3) *Prevention of damage to anti-erosion works.*

Ploughing into or across anti-erosion work is prohibited.

(4) *Protection of anti-erosion works.*

It shall be unlawful to graze stock on terrace banks and grass strips, which pass through cultivated areas, during the periods of the year when the land between these strips or terraces is under crop.

(5) *Construction of anti-erosion works, through cultivated and pasture areas.*

It shall be lawful for the surveying and marking necessary for the construction of soil conservation works through cultivated land to be carried out during the period June to October inclusive. Such works may be marked with two furrows from six to twelve feet apart, and when duly marked the works may be constructed at any time of the year.

Should it be found necessary to survey and mark out new works during the main growing season, namely November to May, this shall be done only after consultation with and with the consent of the Chief and local Headman.

Works may be constructed at any time of the year through pasture land and land not under crops.

(6) *Meadow strips and inlets.*³

- (a) It shall be lawful to establish meadow strips and inlets in cultivated lands or wherever necessary for the disposal of surplus water.
- (b) It shall be lawful for the Agricultural and Livestock Officer of the district to define the boundaries of meadow strips and inlets by fencing or by placing beacons visible one to the other along the line of the boundary. Where such meadow strips or inlets are defined by beacons it shall be the duty of the occupier or occupiers of the fields adjoining the boundaries to maintain such beacons.

³ A meadow strip or inlet is a strip of grass running down the slope which carries the surplus water from the terrace banks on either side to a suitable disposal point. Artificial meadow strips are only necessary where there are not other suitable water channels available, such as rocky outcrops and established grass water ways. A large number of meadow strips have been established successfully. These strips are narrow and seldom exceed the width of two terraces; the area occupied is, therefore, very small.

¹ Contour banks are banks of soil running across the slope at intervals.

² Buffer grass strips are strips of grass running across ploughed slopes at intervals.

- (c) It shall be unlawful to plough or cultivate any meadow strips or inlets.
- (d) The grazing of meadow strips or inlets may be carried out during the winter for such periods and in such manner as laid down by the Agricultural Officers. All such instructions will be addressed in writing to the chief concerned.

(7) *Dams.*

It shall be lawful to construct dams and to fence or demarcate these wherever necessary.

(8) *Badly eroded areas.*

It shall be lawful after consultation with the chief to fence badly eroded areas and plant these with trees for the use of the people. Where such areas are not fenced, they may be demarcated and beaconed and the trespass of stock prohibited.

(9) *Protection of vegetative cover in dongas.*

- (a) For successful donga reclamation it is essential that all natural or introduced vegetative cover in dongas be protected. It shall be unlawful, therefore, to graze stock in any dongas which adjoin or are situated above a terraced area.

- (b) It shall be lawful for any Chief or Headman after consultation with the Agricultural and Livestock Officer of the District to declare land adjacent to dongas in his area to be prohibited from grazing or cultivation to an extent equal to the depth of the donga on either side ; provided that grazing may be permitted on such land during winter for such periods and in such manner as is laid down by the Chief or Headman.

(10) *Repair and maintenance of anti-erosion works.*

All works which are constructed require repair from time to time, and these repairs must be carried out by the people themselves in the following ways :

- (a) Each land holder shall be responsible for the repair and maintenance of those works which cross or adjoin his field or fields ; provided that where a diversion furrow has been constructed, the land

holder or land holders whose fields are protected by such diversion furrow shall be jointly and severally liable for its maintenance.

- (b) The village community shall be responsible for the repair and maintenance of those works which are constructed in their local village site or communal grazing area.

(11) *Interference with or damage to fencing or beacons.*

It is unlawful to interfere with or damage fencing which has been erected to protect soil conservation works or to remove or destroy beacons which have been placed to mark the boundaries of a protected area.

(12) *Compensation for failure to maintain Soil Conservation Works.*

When any person is convicted by a Native Court for the contravention of any paragraph of this Order, the Native Court shall be empowered to order that in addition to any fine which may be imposed, compensation not exceeding 10/- shall be paid to the Chief or Headman who has taken the case to Court.

5. (1) It shall be the responsibility of the chief, sub-chief and headman of any area in which land is ploughed to safeguard that land against erosion in consultation with the Agricultural Officer of the district or his representative.

- (2) (a) No chief or headman shall permit new ground or ground which has been out of cultivation for three years or more to be ploughed until he has consulted with the Agricultural and Livestock Officer of the district and obtained a written certificate from him that the ground is suitable for cultivation. A copy of such certificate shall be handed by the chief or headman to the person wishing to plough the ground.

- (b) No person shall plough new ground or ground which has been out of cultivation for three years or more without the permission of the chief or headman and

a copy of a certificate from the Agricultural and Livestock Officer of the district that the ground is suitable for cultivation.

- (c) Ploughing shall not commence in lands which have been certified suitable until grass strips have been marked by the Agricultural Department.
- (d) If the Chief or headman and the Agricultural and Livestock Officer of the district fail to agree as to whether an area of new ground should be ploughed the matter shall be referred through the Principal Ward Chief of the area to the Paramount Chief who shall decide the matter in consultation with the Director of Livestock and Agricultural Services.

(3) A chief, sub-chief or headman shall, if such measures are necessary for the better control of erosion, order that buffer grass strips be made through any ploughed land.

(4) A Court may, in addition to any other punishment which it is empowered to award, order that any new ground which has been ploughed without permission should revert to grazing.

6. A Court may in addition to any other punishment which it is empowered to award, prohibit any person found guilty of a breach of any of the provisions of Orders 4 or 5 from cultivating the land in respect of which the offence has been committed until such time as the chief or headman of the area shall certify that the breach of the Order has been made good.

ORDERS UNDER SECTION 8(1)(s)

7.(1) Any person who becomes possessed of any new stock shall disclose such stock without delay to his chief, sub-chief or headman and any earmarks or brands which he may desire to put on such stock shall be done in the presence of the chief, sub-chief or headman or his representative.

(2) It shall be the duty of every chief, sub-chief or headman to see that the procedure outlined in paragraph (1) is carried out.

(3) The Paramount Chief will periodically send messengers, who will be accompanied by Government messengers, to inspect in the presence of chiefs, sub-chiefs or headmen all stock in the areas of such chiefs, sub-chiefs or headmen.

(4) The owner of any stock not branded or earmarked or improperly branded or earmarked or for which his chief, sub-chief or headman cannot vouch, shall be taken by such messengers before the appropriate Court to be dealt with according to law.

(5) No person shall keep or have in his possession any male sheep over the age of three months which has any black or brown coloration of genetic origin in its wool, horn or hoofs, and which has not been castrated. Any person contravening this Order shall be liable on conviction to a fine not exceeding £5, and the Court shall order the immediate castration of such male sheep.

ORDERS UNDER SECTION 8(1)(u)

8. Every chief is empowered to order any habitual thief whose hut or huts are situated in an isolated area of his ward to remove such huts and reside in the chief's village or in any other village ordered by the chief.

9. The Basutoland Wheat Control Proclamation No. 26 of 1942 provides that no trader may purchase or sell wheat infected with smut. It is therefore ordered as follows :

- (i) before sowing wheat all persons shall treat the seed against smut in accordance with the directions of the Agricultural Department ;
- (ii) treated wheat seed must not be put into bags which have contained smutty grain unless such bags have been treated against smut ;

(iii) all lands on which smutty wheat has been reaped shall be fallow-ploughed immediately after reaping, and shall be re-ploughed before sowing clean seed so that the remnants of smutty wheat of the previous season may be obliterated.

10 (1) Whenever a chief leaves his district or ward for whatsoever purpose he shall inform the Paramount Chief and his District Commissioner in writing of the period of his intended absence and place to be visited and, in addition, shall notify the name of the person whom he has appointed to act during such absence and shall proclaim such appointment in open Court.

(2) Any sub-chief or headman intending to be absent from his ward for whatsoever purpose

shall notify his chief in writing of such intention, and shall state the period of his intended absence and the place to be visited, and shall submit the name of the person whom he has appointed to act during his absence.

11. Every chief, or sub-chief when defining boundaries shall fix such boundaries by defining the limits with permanent points such as hillocks, streams or built-up stone pillars, etc., not by describing footpaths, trees or dongas.

12. It shall be lawful for Principal and Ward Chiefs after consultation with the District Commissioner and Agricultural and Livestock Officer of the district to issue orders for grouping villages,

NOTES

THE JOURNAL FOR SOCIAL RESEARCH

This journal is published in December and June each year by the National Council for Social Research under the aegis of the Department of Education, Arts, and Science, Pretoria. The annual subscription is 10/- post free. The issue for December 1951 has recently appeared and contains articles in both official languages on the results of research wherein the latest methods and statistical evaluations have been used and so should prove useful to research workers conducting sociological researches. The articles which appear in this issue are —

Perifere vasomotoriese reaksies as Indeks van Emosionele Spanning en Labiliteit. A. B. van der Merwe.

The Structure and Size of Households in Goodwood and Elsie's River. O. J. M. Wagner and S. P. Cilliers.

Streekverskille in die Toetsprestasies van Natuurellemynwerkers. D. J. Gouws.

A note on Certain Internal Checks employed in the Social Survey of Cape Town. E. Batson.

The Derivation of food Allowances in Poverty Lines. B. Helm.

'N Kort Groepverstandstoets vir Standerds V. VI, VII en VIII. J. A. van Aarde.
Book Reviews. L. T. Badenhorst.

CONTINUING SOURCES FOR RESEARCH ON AFRICA

by H. J. Krauld. Library of Congress. Washington, 1952. 21 p. photo-litho-offset process.

This monograph gives a list of the periodicals that deal with African affairs and their addresses. Growing awareness in the United States of the importance of Africa in international affairs has caused librarians to take stock of their information and sources of information on Africa with a realization of how meagre is the supply in most American Universities. This preliminary brochure sent out by the Department of European Affairs of the Library of Congress gives a list of publications devoted to Africa with a request to supply from local sources any gaps or omissions so that further brochures will be more up-to-date. The Joint-Editors have been able to supply the names and addresses of a number of periodicals not listed.

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SOME REFLECTIONS ON THE SOCIOLOGY OF AFRICAN EDUCATION

F. MUSGROVE

SYNOPSIS

The author examines the theory of social change through the influence of an educated, creative minority, and, from his investigations of relationships between schoolboys and their families in Uganda, concludes that the educated few are in fact being imitated and causing social change along a broad front. His evidence leads him to the conclusion that new skills are more easily acquired when they have no direct counterpart in the tribal situation, and when the school is not in competition with traditional institutions such as family occupational castes.

The author points to changes in social attitudes under the conditions of culture contact, and to the difficulty of predicting the nature of these changes. He questions whether Christian teaching does in fact produce Christian behaviour and characters, but gives evidence of the strong moral influence of the separatist sects.

He argues that the accumulation of far more empirical data is needed before we can tell what new social attitudes and types of behaviour arise in particular social contexts and from particular academic and moral teaching. He gives his own account of changes which he has observed with respect to co-operation, practical pursuits, attitude to women and family, physical courage and aesthetic values.

The views in this article are purely personal. They are conclusions reached from the evidence I have obtained while teaching in a mixed-tribal secondary boarding school¹ in western Uganda (200 miles from any large urban centre), and from a study of the home circumstances of my pupils. I present two theses for consideration: in section (1) I shall argue that education in tropical Africa will be most fruitful if greater emphasis is given to secondary (grammar school-type) education and the training of a Native élite; in section (2) I shall argue that faith in the efficacy of Christian teaching in moulding character may be misplaced. I shall assume throughout that, in spite of the arguments and efforts of the traditionalists, the school in Africa is essentially and inevitably an agency of culture change. As Lord Hailey has observed: "In Africa education is, and is intended to be, an instrument of change. . . ."

The environment of the African is being rapidly modified by influences to which he has hitherto been a stranger, and his school life must therefore be designed not only to equip him to deal with his existing environment, but to fit him for the new conditions which he will have to face and to help him to take his own part in shaping those conditions.² Unlike the school in England, the school in Africa is not primarily intended to maintain and transmit the traditional culture. It is with the sociological problems arising from this process of culture change, as I have observed them, that I am here concerned.

1. *Mass Education or the Education of an Elite?*

The schools are agencies of culture change and of general social progress along the broad front which embraces hygienic habits, technical and agricultural skills, intelligent and reliable

¹ The school's 130 boys come from the Bantu and non-Bantu tribes. They are following a six year course of study leading to the Cambridge School Certificate

examination in academic subjects. They are also trained in metal-work, tailoring and carpentry.

² *An African Survey*, 1938 p. 1207

behaviour as citizens. Since the war, emphasis has been placed throughout tropical Africa on popular elementary education — the development of primary schools, primary teacher training centres, "Community Development" schemes and "Fundamental Education". The same psychology is to be observed in the approach to Africa's human, as to her material, resources. The mass attack at a fairly low level has been favoured in both cases. Secondary and higher technical education have not, of course, been ignored, and the Colonial Universities have received encouragement; but the argument in general has been that social progress will come mainly from attention to, and widening of, the base of the educational pyramid.

It is my purpose to suggest here that such a policy is rooted in a misunderstanding of the sociology of education and the dynamics of social progress, and that tropical African communities are more likely to evolve a higher culture through the influence of a highly trained Native élite. The problem is not an uncompromising "either . . . or" but a matter of emphasis. But I suggest that important re-orientation of ideas and the establishment of new norms of conduct will come only through the influence of a creative, Native minority; and that the future will be shaped through the senior secondary schools rather than through mass literacy campaigns.

The widening cultural lag between the élite and the general mass of the people will be closed by the exercise of mimesis. This is likely to be the most effective mechanism of mass culture change. Toynbee has observed that: "when the 'cake of custom' is broken, the faculty of mimesis, hitherto directed backwards towards elders or ancestors as incarnations of an unchanging social tradition, is re-oriented towards creative personalities bent upon leading their fellows with them towards the promised land."¹ This is the technique of social advance, and not the presentation of intellectual propositions and moral precepts in indefinitely multiplied classrooms. Europeans have hitherto filled this rôle of a creative minority, but there are limits to their effectiveness, limits

not foreseen by the nineteenth century advocates of White settlement as the agency for civilizing Africa. It was considered sufficient by such disinterested thinkers as Livingstone and Sir Charles Eliot that white men should settle among black, carrying on pursuits not educational in the technical sense, as farmers and traders, and that the influence of their example would be sufficient to bring about complete social regeneration. They had overlooked the hindrance to mimesis afforded by racial tensions and colour conflict. One of the conditions of effective mimesis is not only admiration — the example must be felt to be worth imitating — but trust and even awe. The colour conflict has set limits to the effectiveness of the white minority, and when the latter are imitated it is frequently as a means of more effective opposition to them, so that the Native can face the European on equal terms. Mimesis will now operate smoothly only when it is redirected to a black minority: the Europeans must hand on their mantle to an educated Native élite. The British in tropical Africa are what Toynbee would call an "external proletariat" which comes into conflict with the indigenous masses of the territory increasingly as the historical justification of that position — the establishment of peace and order recedes further into the background and becomes generally forgotten. My pupils see the moral basis of British rule in the essential purpose of a Protectorate (they can see no moral basis for a Crown Colony); but they are reminded of the essentially protective mission of the British in Uganda by their study of history, and in any case are beginning to feel that protection is no longer necessary. In these circumstances it must be our concern to fashion an "internal proletariat with an alien inspiration", which, as Toynbee illustrates, "is apt to produce exactly the opposite effects of harmony and creation."² The concrete problem of the sociologist of education is to advise on the training of a Native élite which shall be sufficiently in harmony with traditional society to make mimesis possible.

Progress through mimesis is unlikely to be uniform in all African communities. Pastoralists

¹ See, *A Study of History*, Book IV.

² *A Study of History*, Book V.

are generally less mimetic and more conservative than agriculturalists: they are more specialized to their environment and, although the children closely imitate their parents, there is a greater fixity in their behaviour patterns, and they are less inclined to turn to new models. The Nilotic and Half-Hamitic schoolboys from the cattle-keeping tribes of Lango, Teso and the West Nile, in general make less educational progress in the school than the agricultural Bantu, such as the Baganda and Batoro (and their Christianity is usually more obviously a veneer). Their tribes are relatively backward; they have remained more warlike, and, under the circumstances of British rule, find congenial work as policemen even in the Bantu areas. The leavening of an educated minority is likely to be fairly slow, but within a generation of far deeper influence than half a century of contact with an alien minority.

From the beginning of educational work in Uganda, educationists have agreed that, for social reasons, technical, agricultural and hygienic training should be given emphasis. This has been done. The Phelps-Stokes Commission gave classic expression to these objectives in 1925, but the fact that Commissions and Annual Departmental Reports need to urge them to-day with unabated vigour, suggests that the endeavours of half a century have not met with the desired success.

Artisan-training has always received prominence in the Protectorate, yet the general standard of African artisans to-day is not high. Contractors in Uganda invariably employ for skilled and responsible work Asian "fundis", and the technically educated African, with very rare exceptions, is given only semi-skilled and less responsible work. Yet industrial education was begun by the engineer-missionary Mackay at the very inception of the Christian Mission: Bishop Tucker has written as follows:

"The influence of Mackay's instruction in mechanics in these early days is still visible at the time of writing (1910, twenty years later). Unhappily, his death in 1890, and the disturbed

condition of the country, in later years militated against further organized developments on the industrial side of our educational system until 1895, when Mr. J. B. Purvis arrived upon the scene. It was under his auspices that the industrial mission on the hill of Bulange was founded, and which in 1899 passed into the hand of Mr. K. Borup, under whose superintendence it prospered beyond our most sanguine expectations. At the period of which I am writing, printing, carpentry, blacksmithing and brick-making had made considerable progress. Young lads were being sent by the more enlightened chiefs to be bound apprentices to these various trades."¹

Many educationists in Uganda have carried on the same tradition, for example, the late Commander Calwell at his school near Fort Portal between 1926 and 1947. The King's School, Budo, was similarly founded with the intention of giving stress to manual skills: "Now for a word or two as to our future plans. The scheme includes a technical school, gymnasium and swimming bath . . . The technical school is not to train carpenters etc., but to give every boy in the school some idea of manual work and the elements of carpentry, partly as a training in itself, and partly to be of use to him in the future in building and fitting his own house, and also to keep boys from despising manual labour."² The Government itself has always been alive to the need for technical training. In 1921, before the Education Department had been created, a Government technical school was started which became Makerere College in 1922. By 1925 the course included surveying, agriculture, mechanics and carpentry. The Kampala Technical School was started in 1928 to take over the purely artisan-training.

Yet to-day, technical education is advocated almost as if it were something new and untried. I believe it is legitimate to ask why the Baganda and the Batoro, who have had technical schools in their midst for over half a century, have not

¹ *Eighteen Years in Uganda and East Africa*, A.R. Tucker, 1911, p. 236.

² The Rev. H. W. Weatherhead writing on the King's

School, Budo, in *The Church Missionary Gleaner*, July, 2, 1906.

become known for expertness as artisans and mechanics, (why an African-owned car in the second-hand market can command only the most meagre price, why an Englishman would hesitate to take his car to a garage staffed by African mechanics without Asian supervision), why Asians must be called in whenever a job requiring particular skill has to be done? And I suggest that the answer is that their ideal model for imitation was never the technical European but the literary European: they rejected Mackay the engineer but venerated Mackay the reader. Knowledge of books rather than of machines was the admired and essential quality of the white man. In the four years 1893 to 97 the Baganda, economically a typical African tribe of the age, with little surplus wealth, spent £2,116. 12s. 5d. on books and writing materials; in the twelve months of 1898 they spent £1,400.¹ To-day my pupils will spend their meagre pocket-money on English grammar books and readers; I have never known a boy buy a hammer or a chisel.

Significant social advance in technical and agricultural skills or hygienic habits does not come from a multiplication of schools but from imitation of an admired minority who themselves have made progress in these fields. General education is valuable in consolidating the advance already made and transmitting it to the future. In England, the teaching of biology and hygiene in schools came after the change in the people's social habits and was valuable not in creating but in perpetuating them. The advance had already been made by a creative minority including Herbert Spencer, Charles Kingsley and Almond at Loretto. Kingsley and Almond shaped the hygienic revolution by utilizing idea-systems already strongly established but logically irrelevant to their purpose: they preached cleanliness as the law of God. Almond, in his campaign for sensible clothing, light and fresh air, almost completely ignored the possibilities of the laboratories at Loretto for his teaching. By the twentieth

century public habits had changed though the mass of the people would have been unable to satisfy a School Certificate examiner in biology on the scientific reasons for desiring improved hygienic habits. They would simply have asserted the belief — which would have astonished a medieval divine — that "Cleanliness is next to Godliness."

The Agrarian Revolution in England was similarly the work of the few who were copied by the generality of farmers who had no scientific understanding of the innovations — except through the purely pragmatic test that they worked. The improved techniques of Bakewell, Townshend and Coke of Holkham became general not through transmission by lecturers in agriculture, but through mimesis: the tenant-farmer imitated the improving landlord.

The great technological advances of eighteenth and nineteenth century England were similarly made without reference to, and even in defiance of, the schools (and with little aid from the moribund apprenticeship-system). Mechanical ideals and interests had spread from a minority of technologically gifted. From the time of Bacon onwards, a new ideal had been shaping — the ideal of the technical man.² In Bacon's "New Atlantis" it was the inventors who were honoured. The Royal Society, with its aristocratic patronage, set the stamp of respectability on the pursuits of technologists. Technics invaded all spheres of thought and eighteenth century theology looked for its support in the mechanism of a clock. Mechanics became the dilettante hobby of the rich and unoccupied. (The later attacks by William Morris are simply a measure of the strength of the mechanical ideal by the late nineteenth century.) No ideal barriers existed to mechanical pursuits and experiment, such as had prevented Ancient Greece from taking advantage of the rich technical heritage of Egypt except as a basis for abstract speculation. The technical man was no longer identified with the slave or the socially

¹ Tucker, p. 234.

² The realization of this ideal was aided by an increasingly precise environment, dominated by the mechanical clock. Architecture from the cathedral to the cottage familiarized the people with the exact

geometry of plan and elevation, window and door frame. Over 90 per cent of my pupils have no other method of time-keeping at home than the sun and the cock; their bee-hive shaped huts (windowless) give no familiarity with exact craftsmanship.

inferior, and thus great creative energy was released. The technical schools built from "whisky money" in the late nineteenth century merely organized and transmitted a general advance already made.

Although future progress in tropical Africa will depend on the shaping of an admired minority, we cannot guarantee the precise content of their social message. We cannot predict with certainty the aspects of our teaching which will be rejected and those which will be accepted.

The teaching of practical skills in schools is hampered, I believe, by the traditional economic organization of tribal society. The school appears to be most effective when it is not attempting to take over the functions of tribal institutions; it is most effective not in shoring up the deficiencies of tribal institutions but when it is on wholly new ground, dealing with subjects outside the sphere of traditional instruction and pursuits. Boys are interested in books but are little interested in traditional crafts. They appear inhibited when dealing with subjects which overlap tribal activities: if they have to deal with them they do so in a wholly uncharacteristic way, they make an essentially bookish approach to the most practical tasks. Most technical skills — carpentry, metal-work etc. — have always been carried on in the tribes by occupational castes which inevitably arise in societies which have no impersonal methods of recording skills and techniques. The transmission of craft-knowledge, of the "mysteries", is possible only within intimate personal relationships. Trades tend to remain in families and to become heritable: trade-knowledge is accepted as being outside the reach of "outcastes", and without books the latter have no chance of gaining knowledge possessed by craftsmen. This is still true of Uganda, although the occupational family castes are not rigidly exclusive: a smith may train his son's friend or a member of his wife's family. But, in the tribal situation, generally speaking a boy will have the opportunity to learn a particular skill only if his father professes it. This applies also to the arts of the rain maker and preventer (though not to the skill of the witchdoctor).

Western science and technology are regarded as

a caste-mystery in this sense: they are the white man's magic, his preserve, which it is useless for the outsider to explore: they are not a heritage which can be shared by all. Western science is wonderful, but to be wondered at rather than understood. My pupils, who are following the School Certificate course in General Science, show astonishingly little curiosity about the machines which surround them in the school — electric generating plant, water-supply system etc. — though they will marvel at them. I have known boys who have recently joined the Senior Secondary School, that is, have come straight to our form 4, who, when told, after living some days in the school, to put out the electric light, attempt to blow out the bulbs. They seem overwhelmed by western technology and begin their study of science in a defeatist frame of mind; and the majority of school leavers do not opt for the science course at Makerere College. They have been confronted by western science, in all its intricacy, as a *fait accompli*, they have no sense of its growth from humbler beginnings. An English boy gains a healthy knowledge of science's earlier fumbings when his father and grandfather explain how different and inferior things were in their youth, and what privations they suffered through the defects of science. But in this central African school it is possible for a boy to ask if a Biblical picture of a familiar miracle is a photograph of the actual event.

Schools stand for the democratization of knowledge, they break down the exclusiveness of occupational castes and are therefore in some sense antagonistic to them. (The breakdown of occupational castes in our own society was followed by the rise of Trade Unions and professional associations which have sought essentially the same ends. Trade Unions were provoked into existence by the spread of popular education, to lessen the consequences for the mobility of labour.) These Uganda schoolboys seem to feel less reserve in fields of knowledge which have not been the preserve of particular families: they have no sense of trespass in the purely academic fields of knowledge of the West which are far removed from the tribal world.

If this view of the school's relationship to tribal society is correct, Malinowski's interpretation of the function of institutions which involve colour co-operation requires some revision. Malinowski developed the concept of "the primacy of commensurable interaction," of culture change taking place when human institutions are "commensurable across the dividing line of culture,"¹ one institution being replaced by another which fulfils a similar function and meets the same needs. But, as I have illustrated, a counterpart may be a competitor, and loyalty to it and therefore its effectiveness will be diminished. The school in which I teach is least effective when it attempts to compete with institutions — even though moribund — across the tribal line. Across the line of contact arises a new complex of needs which can be satisfied only by institutions without a near tribal counterpart.²

But whatever may be the content of the new ideal for which the creative minority stands, whether or not their example will recommend itself to society at large is the problem which the sociologist must consider.

There is a great deal of facile talk and writing about the growing rift between educated and uneducated which I believe to be specious, with no basis in scientific observation.³ The evidence which I have gathered is in flat contradiction to this view. My pupils seek education not in order to betray their home-societies but out of patriotism to them. (The increasing pressure of Kenya candidates for Makerere College is a symptom of loyalty to the entire black community in Kenya in its competition with the white.) I will quote

four extracts from essays written in a normal terminal examination on the subject "Why I want a secondary school education." These boys have been at the school for a little over a year: I could quote extensively from more senior boys of every tribe, but choose these because they are just sufficiently articulate in English to say what they mean, and they are not old enough to have been influenced by the exhortations of itinerant officials on their duties as citizens, and to have developed a self-righteous pose on the subject. (I do not believe that the older boys have such a pose, but there can be no doubt about the genuineness of these juniors.)

- (1) I wish to be educated in a secondary school so that I can help my country (i.e. tribal area), and my family. When I have finished my education in the secondary school I shall not go outside my country to take a job, working as a slave. I shall teach my countrymen how to live in a healthy way and how to eat good food; I shall show them how to make good houses and good roads. I shall discuss with my people how to trade with other countries, and teach them not to keep their money in the ground, as they do now, but to keep it in the Post Office. And I shall tell them to take their children to secondary schools so that they can get knowledge and help other people in their country (14 year old Mukonjo).
- (2) I wish to be educated in a secondary school for many reasons, and here are some of them. First of all I am struck when I see how my country is ruled by people who have never

¹ See B. Malinowski, *The Dynamics of Culture Change*. New Haven: 1945.

² Cf. the typical English household in tropical Africa. Presided over by an English wife working with an African male cook, house-boy and garden-boy, it is an institution of colour-co-operation with no counterpart in the tribal world. (The needs it satisfies for wages, prestige etc. are not those met by a Native household.) Within it men will do work which they would scorn as women's work in their villages — cooking, cleaning and digging. And they even take orders from a woman. The typical European household can function because it has no parallel with tribal institutions, does not replace and so is not in conflict with them. The African staff will do their work — just as school-boys will study academic subjects — because this is

not simply a resurrection across the line of contact of a tribal situation.

³ Far from becoming "detrified", and turning his back on his family and 'folks back home', the educated young man away from his 'country' frequently develops an excessive attachment to his tribe and kin. Okoi Arikpo has pointed out the same process in Nigeria: "One of the paradoxes of the present situation is that inter-tribal hostility and prejudice are often encouraged not by the unsophisticated peasants, but by the young literate clerks and technicians who live and work in the urban centres away from their homes. Under the strange and frustrating conditions of urban life these young men often band themselves into groups, 'tribal unions' . . . which provide a means of expressing in-group solidarity. . . ." see *The Listener*, February 22, 1951.

been in a secondary school. We are losing many things in our country because most of our chiefs are below secondary school standard. They fail to express themselves when dealing with Europeans. I find it is my duty to be educated in a secondary school, reach a high standard, and then go back to help my country.

If I finish the secondary school course and go and live with people who have never been educated in a secondary school, it will give them a good impression and encourage them to send their children to schools. That will be a great help to my country (14 year old Mutoro).

- (3) I wish to be educated in a secondary school because there I have a chance to learn many new things, to obtain a good education so that I can go back and help my country (15 year old Munyoro).
- (4) You will be highly respected because you come from a secondary school, you may become a rich man and so be able to help your country. Your children will be even greater men in the country than you were. They will help their country more than you did, and in that way the country will progress very much simply because one man was educated in a secondary school (14 year old Mutoro).

The boys themselves do not doubt that their people at home regard them as valuable on account of their education. They think of themselves as teachers in a general sense — though few are prepared to become professional teachers because of the very low salaries. They are in no doubt that the people at home are willing to learn from them. They realize that the old must be respected and their counsels heeded; they know that if they speak English at home they may be in actual physical danger, for they will be suspected of speaking disrespectfully of their parents and elders. But they are always anxious to return home, and their parents treat them as honoured guests during the holidays. The educated man is

afforded a high status by the villagers; the chiefs respect him and will not require of him the customary services (such as attending the weekly hunt or acting as an unpaid porter to an official safari) which the peasant must perform. The educated man is an admired type.

In practice, most of the boys after leaving school will have to go from their "countries" to urban centres in order to obtain the sort of employment for which their education has fitted them. But in most cases this is done reluctantly, through sheer economic pressure. (The boy has probably got to repay the 1,500 shillings which he borrowed for his six years at the secondary school, and is probably trying to raise a like sum to keep a brother or a nephew there.) They do not wish to leave their families, and one of the facts about Englishmen which the boys find most incomprehensible (and, when they have comprehended it, reprehensible) is their apparently unfeeling desertion of parents in England. They regard their own urban exile as an irksome necessity for obtaining capital, by saving from salary, with which to return and begin commercial and agricultural enterprises. (Again, in practice, they may find that the slavery of office work or professional employment has to be endured indefinitely since the difficulty of saving in the towns is so great.) But in so far as this educated minority is in contact with the home society, there can be little doubt that it is creative and setting an example which the uneducated are willing to follow.

The Problem of Character Training

In addition to the hygienic, agricultural and technical biases which are generally advocated for African education, there is a fourth which is even more strongly and universally canvassed — the Christian bias. Since the Christian Missions were the first in the field of education and still dominate educational activities in Uganda as in most tropical dependencies,¹ their views naturally command attention. There have been few writers on African education uncommitted in advance

¹ There is only one Government secondary school in Uganda. There are 48 aided secondary schools run by voluntary religious agencies (13 of these are "senior" and prepare candidates for the School Certificate).

There is one unaided secondary school run by the Seventh Day Adventists. There are no Government primary schools, although a number are maintained by the Native Authorities.

to a Christian approach. Few have urged secular education in Africa, though the implications in the educational sections of Julian Huxley's "Africa View"¹ and of the De la Warr Report on Higher Education in East Africa² were in its favour. It is usually argued that only a Christian education can produce the sort of character which is required in Africa to-day.

On purely educational grounds there are serious objections to Christian education in Africa (however valuable it may be in England where it is part of the national tradition and heritage, and is set in perspective by other elements of our culture). My pupils, even the most advanced, take the Scriptures quite literally, whereas few Englishmen, within their twentieth century culture, do. We have a body of accepted, non-theological knowledge which qualifies the acceptance of Biblical stories even for the modern orthodox believer. But the African student is in the same position as a young English child: he approaches these myths without an independent standard of judgment beyond them, and so, for precisely the same reason as the English child of 6 or 7, he is literal-minded. His Native intellectual traditions merely tend to confirm the Hebrew mythology. My Bantu pupils have grown up to traditional stories of upper and nether regions populated by spirits; they have the belief in metamorphosis which finds ample Biblical support; they have a firm belief in prophecy and divination; they have been taught of a Supreme Being (though less powerful and prone to interference in human affairs than the Christian God).

These African schoolboys are taught the Christian mythology with the same Western authority that they are taught Physics. When he is not taught directly, he is taught by implication: a European schoolmaster will read the daily lesson from the Bible in the school chapel, and it seems reasonable to a schoolboy to suppose that he believes in the miracles, divine pestilences and cosmology described there (why else should he read of them?)

It is astonishingly difficult to choose for a term, or even a week, daily Biblical readings and two different daily hymns (from 'Hymns Ancient and

Modern') which are merely politely ethical and do not present, or lend authority to, myths which European theologians such as Professor Bultmann would wish to exclude entirely from the Christian religion. But demythologizing is not nearly so necessary in Western Europe where the minds of even relatively uneducated congregations are fortified by corrective elements in the contemporary culture. An African schoolboy can only assume that words mean what they say: they do not reach him with a wealth of subtle modification through the sieve of a predominantly scientific culture. When he sings, in unison with his European schoolmasters:

O by thy soul-inspiring grace
Uplift our hearts to realms on high;
Help us to look to that bright place
Beyond the sky:
Where light and life and joy and peace
In undivided empire reign,
And thronging Angels never cease
Their deathless strain:
Where Saints are clothed in spotless white.

(Hymns Ancient and Modern, 19)

the suggestion that this is a true picture is overwhelming — as I recently verified with my pupils after they had sung this hymn at the morning service. If we afterwards try to explain that this language is not strictly descriptive, but in some way symbolical, they wish to know why our words, when used in a religious context, do not mean what they say. The very English language which the boys learn in their primary schools is overloaded with mythological associations. When I ask a class of boys to write sentences using the words "ascend" and "descend" as a vocabulary exercise, in almost every case the sentence given is: "He descended into Hell; the third day He rose again from the dead; He ascended into heaven." The process of descending into Hell is as concrete and actual for these boys as a descent from a peak of Ruwenzori. In the very act of learning the English language they have learnt an obsolete cosmology.

¹ Julian Huxley, *Africa View*, London, 1931.

² *Report on Higher Education in East Africa*, H.M.S.O., London, 1937.

Whether a Christian bias is more fortunate in training character than in training the intellect is also questionable. As in the case of technical education, it is now possible, after almost three quarters of a century of Christian endeavour, to attempt some judgment of Christian education on its historical record. Those who are most loud in disparaging the character of the educated African are usually the advocates of the Christian bias in education. But the educated African — with the exception of the small minority of Moslems — is *ipso facto* the Christianized African. If a man has been educated it necessarily follows, in the vast majority of cases, that he has received the full benefits of Christian teaching.

Christian teaching frequently appears to weaken the sanctions which previously ensured good behaviour. The Christian learns that the belief that wrong acts are punished by automatic retribution¹ in the shape of personal misfortune befalling the wrong-doer, has no validity. He learns from his Christian teachers that punishment and the final reckoning are not in this life but more distant, in the life-to-come. This seems to be sufficiently remote to be ignored by the majority — though the more sensitive of my pupils have a very real dread of hell-fire, and it is the promise of salvation from eternal torment which brings the recruits to the Balokole sect. Thus the Christian is often regarded by pagan Africans as the least moral of people since he is irresponsible, being relieved of the fear of immediate and unpleasant consequences for his sins.

When Christianity is successful in shaping upright and reliable characters, it is by no means clear that this is the consequence of any particular doctrinal content; it is effective when, in spite of its doctrine of man's essential sinfulness and its requirement of humility, it ministers to self-respect. Thus the separatist sect, the salvationist Balokole (which includes the majority of my pupils or their fathers) stand the doctrine of humility on its head and pluck from it a spiritual arrogance not unfamiliar in the history of the

Christian Church in Europe: for its adherents are the saved — saved both from sin and from eternal damnation — the superior, the elect; they are superior to the white man (even the Anglican Bishop) who is not of their persuasion, for he is necessarily damned. The Seventh Day Adventist Mission has similar consequences. Its emphasis on the Second Coming has a fortifying effect for Africans as it had for the disappointed and disillusioned followers of Christ after His death; and as the myth of the second coming of Arthur had for the vanquished Britons.

These two Christian sects are making increasing headway and are having a deep influence on many of my pupils. Whatever one may think of the intellectual consequences, the moral results are generally good, and greater strength and coherence of character are produced. Their theology and their creed are irrelevant, but the infusion of self-confidence is all-important. The religious revival in the nineteenth century Public Schools of England had a similar sociological function in inculcating self-discipline in the potential leaders of the nation; seventeenth century Puritanism gave businessmen the necessary self-confidence and self-righteousness for success; Wesleyanism, in spite of the political conservatism of its founder, bred the necessary self-confidence in the nineteenth century Chartists and working-class leaders. In spite of the theological differences, the three forms of Christianity embraced by these three social groups produced strength of character because they bred confidence in the face of crisis.

But religious teaching is only one indirect and, in many cases, unsuccessful means of developing the self-respect which lies at the basis of strong and coherent character. (Atheism may produce the same results, and it was one of the great discoveries of the nineteenth century that the non-Christian may be a man of unimpeachable morals.) Across the line of culture contact the African has lost many of his former certainties: in the village a man knew his position and importance. The problem of character-training is a social

¹ Cf. the idea of Nemesis, and the idea behind a modern Englishman's comment: "It is justice (or judgment) upon him" in reference to a misfortune

following, but not logically connected with, a misdeemeanour.

one,¹ of producing the conditions within the field of culture contact in which self-respect is possible.

Within the school, character is strengthened not by a greater output of moral precepts or the elucidation of doctrinal issues, but by creating confidence in pupils who are so easily disheartened by adverse criticism, who are so demanding and dependent on the schoolmaster who stands as a mother-surrogate. A man can teach them academic knowledge or shape their characters only when he has restored their belief in their own competence, when he has encouraged them in tasks which they see they have done well. The De La Warr Report realized that the problem of character was primarily social, and not a matter of metaphysical belief.² The educated African is sometimes the immoral African because the ideal he has formed of himself at school — as the free man, the valuable man, the man on a footing of equality with a European of similar educational attainment — is not capable of realization after school, with consequent damage to his self-respect. Differential salaries³ and housing conditions, suffered with bitterness, for example, by African school-masters, bring frustration and consequent instability of character.

Though self-respect may ensure stability of character, it does not determine the constituents of that character, the particular dispositions which will be dominant. The African child, which has already been formed in character by his parents and village society, is destined for the world of culture contact which will require a reshaping of attitudes if he is to enter it smoothly and effectively. If it were indeed true, as Bertrand Russell assumed in his "Education" (1926), that character training is "complete by the age of 6," that by that age a child "ought to have the habits and

desires which will lead in the right direction if a certain care is taken with the environment," then the problem in Africa would indeed be intractable.

While it may be true of children, whether English or African, that "They are born with only reflexes and a few instincts; out of these, by the action of the environment, habits are produced which are either healthy or morbid" (Russell), the same propensities may energize different behaviour patterns, and it is the business of the school in tropical Africa, as an agency of culture change, to redirect those propensities. But the planning of their redirection cannot be made according to *a priori* notions of behaviour-equivalents, but only in the light of accumulated empirical knowledge of what, in fact, are the new behaviour-patterns arising in particular social contexts.

When they cross the tribal line into the world of colour contact and co-operation, Africans enter institutions — mines, farms, factories, schools, offices, shops — which call for the "economic virtues", shaped by the clock and the Puritan ethic, of our western culture. They already have the important virtues of cheerfulness and tolerance, which are often overlooked and taken for granted. Religious wars are absent from the history of my pupils, and they never really understand them in European history. Marxist interpretations of war both fit their own inter-tribal conflicts (fought for cattle, women or living space) and convince them as an explanation of all others. The most arrogant conquerors, like the Hamitic (?) Bahima who conquered the indigenous Bantu Bairu of Ankole, have forgotten their own language, adopted the general way of living of, and to a considerable extent inter-married with, the indigenous peoples. Social snobbery, both horizontal, between different social

¹ This, of course, is a common place in child-guidance work in England. The young delinquent is not sent for a Christian sermon, and not frequently to a priest; but the tensions and maladjustments in his family circle are investigated.

² "Fears and doubts are sometimes expressed as to the stability of character of educated Africans. . . . If failures and disappointments occur, explanation may lie in the violent environmental changes often involved. . . . High character is not encouraged by low pay. It is no good educating an African to a high standard and then asking him to live as he would have if he had

never left his old environment." (see De La Warr Report, p. 26).

³ A European schoolmaster employed by the Government of Uganda is on a basic salary scale of £550-£1,140. His African colleague, if he completed his course at Makerere College before 1947, is on the scale £102-£192; if he took the College Diploma in Education after 1947 he is on the "New Type" scale of £153-£300. (The European also gets a Government loan for the purchase of a private car, and his repayment of the loan is usually completely covered by a car maintenance allowance. The African is not eligible for such a loan.)

levels in the same tribe, and vertical, between different tribes and groups of tribes (the Bantu have scant respect for the Nilotes, whom they refer to contemptuously as the 'Dugu-Dugu' on account of their incomprehensible language), is deep; but ideological conflicts over religious beliefs¹ or political systems have been rare. (It seems possible that there was some connexion between the extension of political power and the practice of circumcision rites, for example, in the east Congo area, but this is a matter in urgent need of research.)

The economic virtues of sobriety, regularity and application, honesty in dealing with people other than one's own kinsmen, have not been of any high value in the traditional life. Thrift has been not only a sign of low social status — the socially superior was the open-handed person — but pointless in the relatively closed economy of the past when there were few luxury goods to be purchased by surplus wealth. But across the line of culture contact institutions demand these western virtues: they are not always successful in evoking them, or even in harnessing and maintaining the virtues which were common in the tribal situation. Regularity and punctuality are still irksome to the schoolboy after his long career of obedience to the school time-table and school bell. He appears never to become reconciled to machine-made time. Appropriate new virtues may not appear, and valuable habits of the tribal world may disappear. One notable example of the latter in the school, which I have already discussed, is the rejection of practical pursuits in favour of purely academic interests. The tribal life is severely practical, particularly since the specialization of occupations is not far advanced, and apart from story-telling, beer-drinking and

dancing there are few pursuits possible which are not of a practical and utilitarian nature. The boy at school eschews the practical: he is essentially and genuinely "academic".² There is no need to look for substitutes for the practical activities of his home life: he wishes to turn even Scouting into another academic lesson, and is not greatly interested in applying his knowledge. When he does apply his knowledge of first-aid, pioneering or map-reading, it is essentially according to the book: his approach is through the printed word and often singularly lacking in commonsense. It would, I believe, be inaccurate to regard Scouting as a counterpart and substitute for the hunting, hut-building etc. which he knows so well in his tribal life. He shows no enthusiasm for an *ersatz* tribalism, for attempts to introduce duly expurgated and harmless substitutes for his former tribal pursuits.

It has often been too facetiously assumed that instincts which were formerly satisfied in tribal activities such as initiation ceremonies could be diverted into an easily discoverable substitute across the dividing line of culture. This view was particularly strong when the belief in the possibility and ease of "sublimation" was more generally accepted.³ In fact, there is no certainty that equivalent behaviour-patterns, calling for the same instincts, are easily discoverable in the new situation. The mechanical analogy of diverting energy from the driving of one engine to the driving of another, has misled many an educationist in Africa. Propensities previously dormant and unsuspected may be called into life; new patterns may emerge which cannot find adequate explanation in terms of old drives redeployed, nor yet in terms of the drives of the alien civilization, but only in terms of a new,

¹ Mwanga, Kabaka of Buganda, persecuted the Christians in Buganda in the 1880s, but his motive was almost entirely political (he was not attempting to safeguard pagan rites and beliefs): his animosity was not against any particular religion or sect but against the foreign political power which Christianity seemed to represent.

² Government and aided schools, in giving a practical bias to the curriculum and stressing the vernacular in the primary classes, are not meeting the real wishes of most of their pupils, who want a literary and academic education. Private schools have therefore arisen to

cater for these needs which are not met elsewhere. *The Annual Report of the Education Department* (1950) remarks of a school which gives an eminently practical training: "It has been most disappointing that boys trained in the excellent traditions at this school have on leaving joined other private schools of the secondary grade where the practical knowledge gained . . . has been soon forgotten in the pursuit of purely academic knowledge which is so popular in the private secondary schools" (p. 30).

³ See Edwin Smith, *The Golden Stool*, London, 1927, Ch. X, Sect. 5.

autonomous social determinism. The inability to deduce new from old behaviour-patterns, to explain, for example, the present-day nutrition of a tribe in terms of the cannibalism of an earlier age, led Malinowski to deny the value of all historical reconstruction. We cannot predict on *a priori* grounds what sort of behaviour will emerge; as schoolmasters we cannot be sure what in fact we have taught until long after we have taught it and seen the results in action.¹ We can only shape our *curricula* and institutions with as much empirical wisdom as possible, in the light of accumulated knowledge of how rules work in particular social contexts. The behaviour-norms which emerge may then be labelled good or bad, socially desirable or undesirable, Christian or non-Christian, as the case may be.

One of the attitudes which most regrettably appears to change across the line of contact is the will to co-operation, which is still strong in the tribal world. In the school there is none of the English "Public School spirit" which prevents tale-telling. Boys even from the same tribe are ready to bear tales and give their schoolmates away. They show little sense of solidarity even against the Whites. Yet the villager still achieves many of his satisfactions through voluntary mutual aid. When he builds a house he does not hire a contractor or specialized workmen — except, possibly, a thatcher — but the work is undertaken voluntarily, as a co-operative enterprise, by his neighbours. When the house is finished, the men who have helped will be invited to a beer-party. Help to the aged or infirm and to widows is given spontaneously. The custom of entirely unofficial community service is known as "*buyambi*": "*burungi bwensi*", on the other hand, traditional service under the direction of chiefs, is generally hated and evaded when

possible, regarded as forced labour; for, being officially required, it is to-day within the world of racial contact. The chief will require attendance at hunts, unpaid labour in making roads, digging wells and latrines, work as a porter to officials on tour, repair to bridges and public buildings. This work is to-day deeply resented. The chief is no longer regarded as the unequivocal representative of the local community: his dual role within the system of contact is keenly appreciated. A boy writing for the school magazine about social problems in the Lango District expresses the general view regarding the relationship of chiefs to white officials: "The chiefs are mostly uneducated, and some are even unable to read and write. Most chiefs think they are working for Europeans and not for the good of their country. They work simply to please the District Commissioner and other officials."

Intra-tribal relationships are not necessarily idyllic: even within the family there is usually a complex pattern of suspicion. A boy at school often has great difficulty in obtaining money from his benefactor — father, brother or uncle — for legitimate school purposes: his relative usually thinks he is lying and seeking money for his personal use. Yet, as a matter of fact, voluntary co-operation is on the whole effective in the tribal world. It is the unquestioned responsibility of a man to care for his deceased brother's wife and children (and even to pay for the latter's education). The school itself, requiring 230 shillings per annum from each pupil, is a testimony to the co-operative spirit within the boys' families.

But outside the tribal world, co-operation often seems to be replaced by a very ugly, self-seeking individualism. Uganda has witnessed since the war a mushroom growth of companies — bus companies, cotton growers' companies etc. — often

¹ This is another way of saying that the ideal element of the new culture is not an exact reflection of the values and attitudes which the English schoolmaster brings to the African school. Advance is coming, and will come in the future, along lines divergent from the parent cultures of Black and White. This advance comes from the creative juxtaposition of dissimilar bodies of knowledge and intellectual traditions. The same process is to be observed particularly in the intellectual life of our own nineteenth century when the great historian had been trained in law, the biologist in philology, the

theologian in pagan philosophy. The nineteenth century thought that this argued a "transfer of training": in fact it was simply the result of looking at a particular field of enquiry through the perspective of a different intellectual tradition. That typically nineteenth century figure, the "thinker", was often most creative outside the sphere of his original specialism. To attempt to keep African education in some way especially "African" and "indigenous" produces the same intellectual stultification as over-specialization in our own contemporary educational system.

formed by ex-servicemen with gratuities, which usually fail after a brief life partly from insufficiency of capital and lack of experience, but chiefly through the corrupt dealings of their members. There is one notable exception to the disappearance, within the field of culture contact, of effective co-operation. The Balokole sect is not only a religious body but a strong mutual aid group. A Mulokole will expect free accommodation from a co-religionist when he is travelling, and assistance in trouble: some seem to make a full-time occupation of travelling round the country attending prayer meetings and living on their fellow Balokole. (Moslems similarly form a well-knit mutual aid society.)

The attitude which appears to undergo least modification from culture contact is the attitude to women and marriage. A boy at school will learn to stand when a European woman enters the room, offer her a chair and follow the rule of "ladies first", but this is an example of mimesis of the most mechanical order. The boy's attitude to his own family and womenfolk remains substantially unchanged. To consort with one's mother-in-law is still immoral, the bride-price¹ is still regarded as essential to stable and respectable union, polygyny is still the ideal of the majority. (Some will not undertake polygynous marriage because they believe they may be in personal danger from jealous wives; and for many monogyny will be necessary for them as city workers since, unlike the peasant whose wives cultivate his land, more than one wife would be crippling economic liabilities. In other cases monogyny will be enforced by employers, for example, the Christian Missions.) All the boys look forward to numerous offspring even though they begin to realize that for an urban dweller these will not be economic assets.

The representatives in the school of the Bantu tribes seem to have lost the ancient virtue of physical courage under the circumstances of culture contact. The Baganda and Banyoro were warlike people when Europeans first reached their territories: physical courage was highly regarded, and cowardice carried heavy penalties (the coward, for example, was not allowed to

marry). My Bantu pupils to-day are by no means remarkable for their physical courage: in a boxing contest a boy will run unashamedly from the ring after receiving the first severe blow. There is a great deal of quarrelling and petty fighting in the villages; older men will often encourage young men to wrestle and practice stick-fighting; but within the world of culture contact physical courage is not particularly esteemed. The boys despise Europeans who are prone to violence (the characteristic, they believe, of planters and miners, whom they contemptuously call "ruffians"); the soldier and the policeman are not admired men, and an English teacher's war record may damage him in the eyes of his pupils. The virtues they look for — and demand — in men (particularly European men), are the Christian virtues of meekness and forgivingness. Forgiveness they regard as the automatic reward of humility and repentance, and these virtues are probably of greater defensive value in the situation of racial contact than physical prowess.

The school not only sees former attitudes discarded but new ones created. The zest for hard work (academic) which Batoro and Baganda pupils show in the school could scarcely be anticipated from a study of their home-societies. The laziness of the Batoro in particular is notorious throughout Uganda (a contractor will not employ them if he can find alternative labour) and complacently accepted by themselves. They will even excuse themselves by saying: "But life is so easy for us." Only artificially introduced hardships such as the Poll Tax can ensure an adequate local labour supply for essential public works. But in the school the problem is to prevent the boys, whether Batoro or Lugbara, from working excessive hours on school subjects. There is a perpetual agitation for longer "prep" times; boys ask to be allowed to remain at school in the holidays in order to study. They have found a purpose in life which appears to be lacking in the tribal world, and it may not be too fanciful to suggest that the school fulfils in modern society — for those who are

¹ At a recent school debate on the subject, the proposal that the bride-price should be abolished was defeated by an overwhelming majority.

able to enter it — the rôle which was played by war before the imposition of the English peace.

A final "emergent" quality in at least some of my pupils which I would remark, is a development and enlargement of the sense of beauty. An invariable feature of the Englishman's racial stereotype of the African is that he has "no sense of beauty." This is not true: the untutored tribesman often has a deep sense of the beauty of cattle, and a lively appreciation of personal beauty (and ugliness) is general. But, like most peasant communities in any civilization of any age, there is little appreciation of scenic beauty. It is also true of my pupils that they seem less able than English boys to value a thing-in-itself: they show no interest in "curios" — I have never known them make the "useless" collections of stamps, match-boxes or birds' eggs which delight English youth. But a change is to be observed in the school. Boys learn to play English games with eagerness even though these have little value beyond themselves. (The traditional games they played at home were a form of training, anticipatory of the adult pursuits of hunting, house-building, etc.) A few will learn to write essays which are concerned simply to delight and not to instruct (their own "literary" tradition in the shape of folk-tales is predominantly didactic). And in some cases deep and sensuous appreciation of natural beauty emerges, as the following essay, written by a 15 year old Munyoro from a rural area, indicates. He wrote as follows about his half-term holiday:

"In the morning it was a lovely day, bright and beautiful and clear over the hills. When I was still in bed I could hear the sweet songs of many birds as though they were human beings gathering together to praise God for a night well spent. I got up, pushed my head through the rectangular window of my dormitory and looked outside. I saw a gentle breeze blowing towards Ruwenzori over the banana trees, and the topmost leaves were shaking as though they had done something wrong towards their king Ruwenzori. The grasses, too, were bending up and down as if in honour of their king. A sweet scent came from the flowerbeds round the European houses.

"I ate my breakfast quickly so that I could get to the hills. They were a beautiful green and sloped downwards as if made by human art. I looked all around me, but my eyes always returned fondly to the valley between the school and the lake.

"I left the hills and went down to the lake where I found a calm and lonely water. I swam for a time, and then returned to the hills. I walked like a gentleman because the east wind blew on my body and made me feel proud. My hair trembled like a sinner.

"Later I walked along the road towards the town. A master drove past in his car and offered me a lift for the remaining six miles, But I refused to enter his car because I wanted only to walk. . . ."

The price of such educational success, when a boy has effectively readjusted his attitudes, acquired new values and a new framework of intellectual concepts, may be great. Having effectively crossed to the new culture, the way back to the old is barred, and the burden of the new may become unsupportable. A not uncommon breakdown occurred recently in the school when a 19 year old Muganda in the pre-School Certificate year became violent and raving in the dormitory two nights before the end of term examinations. He had been working — quite voluntarily — extremely hard over the week-end. At 12 o'clock on the Sunday night he woke up and announced to the dormitory that they were crossing the International Date Line (a subject studied in Geography) and that it was, therefore, not Monday dawning but Tuesday, the day of the examinations. He proclaimed also that it was the day of the Lord's Second Coming (the boy is a sincere Seventh Day Adventist). When he had to be held down to prevent further violence, he shrieked: "Why are you binding me like Paul?" Faced with a crisis, his new culture could not support him, yet he could not go back to the old and, for example, seek a charm from a witchdoctor or cast a spell on the examiners. It is significant that throughout he spoke not in his vernacular but in English. An effective crossing of the culture barrier means the closing of a retreat from stresses which may prove too difficult to bear.

REMNANTS OF A RAIN-CULT AMONG THE ACEWA

J. P. BRUWER

SYNOPSIS

The author draws attention to the functional significance of rain-goddesses in the traditional culture of the Cewa, a matrilineal people of Central Africa, and mentions a minor revival of the rain-cult during a drought in 1948. He gives an account (originally rendered by a member of the Cewa) of the actual procedure during ceremonial quests for rain. The account describes briefly the status and mode of life of Cauta the female rain-deity, gives an indication of the ritual procedure and sacrifice during rain ceremonies and contains a song sung on these occasions. The author concludes by drawing a distinction between Cauta the rain-deity, and the Asumphi or rain-priests drawn from the Banda-clan, and mentions the use made of a type of trapdoor spider by these rain-priests in order to forecast the advent of rain.

Considerable attention has focussed round the mystical figure of Modjadje, chieftainess and celebrated rain-queen of the Lobedu of Northern Transvaal. The bulk of evidence centering round this renowned and interesting personality suggests a well-developed cult of age-old standing amongst the Bantu people of Southern Africa. And yet, it is perhaps less known that rain-goddesses of similar function to Modjadje actually existed and to a lesser degree still exist in remote areas in Central Africa. Among the Acewa, a matrilineal people of considerable numbers inhabiting a vast area in regions of Northern Rhodesia, Nyasaland and Mozambique remnants of a rain-cult with specific emphasis on rain-goddesses are conspicuous within the code of existence, and in times of stress memories of a passing generation still reconstruct true procedure in connection with ceremonies which were highly treasured by the ancestors.

During 1948 a severe drought occurred over certain areas in North Eastern Rhodesia. Sporadic attempts were made by influential leaders once again to revive the half-forgotten rain-cult of the past, and at certain spots ritual ceremonies were performed in quest of rain. Miniature rain-shrines were secretly erected at various places off the beaten track, and once again the activities of

the *Asumphi* (official rain-priests) were mentioned during murmurings in the village square and at fire-side discussions by night. It was during this trying period that I was fortunate enough to obtain a fairly comprehensive account of the customary practice in connection with the rain-cult among the Acewa before the advent of the white man. The following version (originally rendered in the vernacular) is an interesting description of the cult in general and the actual procedure during ceremonial quests for rain.

ORIGINAL ACCOUNT OF THE RAIN-CULT

"The abode of our goddess¹ used to be at an important village² of the area and she was called *Cauta*³ by the owners⁴. During times of distress many people moved to the village in order to be near *Cauta*. This *Cauta* was a woman and she was the representative of the Sky God⁵.

"When a woman was chosen to be *Cauta* she did not hoe any garden. All necessary foodstuffs were presented to her and she was given the best of all types of food so as to prevent her from becoming angry or bringing sorrow upon the people. If this should have happened hunger (*njala*) was sure to ensue. Thus all kinds of food were found

in the hut of *Cauta*. There also existed *Cauta's* garden and when the planting season approached all the people first started to prepare the garden of *Cauta*. On finishing preparing the garden of that goddess they started on their own gardens.

"*Cauta* never married. All people maintained that her husband was a snake, the python⁶. She did not live with a husband similar to the custom of ordinary people, but a snake was her consort. Therefore *Cauta* remained behind her enclosure and was not seen by the people. She did not go about talking to others but simply stayed in solitary confinement. The people held her in great esteem, showed her much honour and prayed to her⁷.

"During times of drought⁸ oblations were made at the abode of *Cauta*. All men of the surrounding villages moved to the village of *Cauta* and brought her plenty of maize. There they started dancing. The women began besprinkling one another with water and also the village headmen sprinkled water over the people and sang :

*"Mvula kalole, mvula kalole,
Ndi aka! Ndi ako!
Kadze mvula nkoti kamtambo ?*

(Rain approve! Rain approve!
This tiny one! That tiny one!
Which tiny cloud will bring the rain ?)

"Dancing continued throughout the entire night. Those who became tired went off to sleep but refrained from sexual intercourse for fear of adversely affecting⁹ the dancers outside.

"Next morning the chief commanded all people to remove their copper ornaments and red cloth. Together they went to the place of offering. One of the headmen was appointed leader and called *Kambuwe*. No one remained in the village, except *Cauta* who stayed in her hut. She decorated her body in black and white, using flour and charcoal powder. Each black spot had a corresponding white one. This indicated that rain should not fall unceasingly but that the sun should also appear in between. There must be rainy days and days of sunshine. This was *Cauta's* duty while the people were making their offerings.

"While moving towards the place of sacrifice the people rejoiced since in their hearts they truly believed that rain was sure to come. Along their path they passed sacred places where people were accustomed to pour out their offerings.¹⁰ On nearing such a place the people clapped their hands in reverence, first of all the *Kambuwe* and then the rest. The *Kambuwe* then said : 'Hark ye! Our journey is going past.' Then they continued towards a waterhole nearby. On arrival the people sat down and looked forward for the *Kambuwe* to proceed. The *Kambuwe* forthwith took his knife and called upon the man who brought the black goat. He then cut the goat's throat and received the blood in a small earthen vessel. A great fire was lit and the *Kambuwe* then took the goat and laid it on the fire without skinning it so as to get it roasted.

"While the goat was roasting on the fire the *Kambuwe* took the vessel containing the blood and poured the contents into the water at a place where there was a whirlpool. He had to take great care in order that the blood entered the water at the exact spot of rotation since if it happened that the blood did not disappear below the surface, the people believed that the sacrifice was not successfully performed. If, however, the blood was poured out carefully and disappeared, rain fell that very day.

"After the blood disappeared in the vortex the *Kambuwe* took some of the scorched hair of the roasting goat and that too was deposited into the whirlpool. Immediately afterwards the *Kambuwe* started calling out aloud to *Cauta* in order that she may hear :

"Hark ye! To-day we have come to approach you who hail from heaven above! There water is present in abundance. We are your children, we who are outside under the blazing sun. We cannot envisage what to eat if the sun continues. What shall we do? Whither shall we turn if your heart remains closed and you only send us starvation? We children, we are children, and we approach you in earnest prayer that you may hear and forgive where we have sinned. *Cauta*, give us rain! In our midst are tiny children and if you leave us, where will the children be ?

"We now depart and beg that rain may surely come to-day! We people want to wash in rain to-day! And the people continually clapped their hands and murmured: '*Pepa!*'"¹¹

"The people forthwith started eating the goat. They all started struggling to get a morsel according to the customary method of eating sacrificial meat.¹² The meat was not divided but each person simply broke off a piece. If one was slow in finishing his bit, the others immediately snatched it from his hands. As soon as they were finished the *Kambuwe* said: "Now we must go!" Then all started moving off along a different path from the one they took when coming from the village, and the crowd sang:

Mvula kalole! Mvula kalole!
Patsani madzi!
Kumtina kwauma!
Ndi aka! Ndi ako!
Kadze mvula nkoti kamtambo!

(Rain approve! Rain approve!
 Deliver water!
 Drought at the heart!
 This tiny one! That tiny one!
 Which tiny cloud will bring the rain?)

"While still chanting their rain-song the people started running towards the village. On arrival they again started sprinkling water over one another. And then, when the rain started, all the people danced in the rain. They were exceedingly glad."¹³

There can be no doubt about the identity of

these *Cauta*. They were indeed rain-goddesses and lived in seclusion at major villages, women veiled in a cloud of mysticism befitting their rank and their function. They are not to be identified with the ordinary rain-priests, the *Asumphi*, who were mainly drawn from the Banda-clan among the Acewa. These rain-priests were chiefly concerned with minor ceremonies at the rain-shrines and only functioned locally. It is quite obvious that the major rain-cult culminated in the *Cauta*-institution, and that these goddesses served vast areas under independent chiefs or sub-chiefs. The manner in which the ordinary rain-priests were controlled or influenced by the *Cauta* seems to have disappeared in oblivion, but obviously there must have been some connection.

It remains to be mentioned that the *Asumphi* appear to have had a very interesting method to forecast the advent of rain. From a Christian member of the Banda-clan whose maternal uncle (*mtsibweni*) used to be a well-known rain-priest in days gone by I gathered the following information. These *Asumphi* used to watch very carefully the actions of the trap-door spider (*Stasinopus*, *Moggridgea*?). This interesting little animal carefully closes the door of his tiny underground house when rain is forthcoming. The knowledge of the spider was applied by the rain-priests when they had to arrange ceremonial quests for rain, and seldom did their efforts prove fruitless since they had a successful natural barometer! Perhaps this clarifies the reason why the people had such dauntless belief in the powers and possibilities of these rain-priests of old.

NOTES

¹ The indigenous word applied here is *Mulungu*, the general term for the Sky God in this region. The female deity thus personifies the Supreme Being.

² The word *mzinda* used in this connection denotes a major village of the area as against the term *mudzi* for an ordinary village. This word is also used when referring to the centre of group initiation, and in reality means a capital.

³ Literally the word *Cauta* means "that of the bow". The word *Ciuta* (the great bow) is often used to denote

the Supreme Being and has a definite relationship with the rainbow which is called *uta waleza* — *Lexa* being another name for the Sky God.

⁴ The word *eni* translated here as "owners" rather denotes a specific and related group of people. It is often used in connection with clan-groups e.g. *eni-Banda*, those of the Banda-clan.

⁵ The original used is *mulungu wakumwamba* — God of above.

* The connection between the python (*usato*) and rain is furthermore brought out by two interesting beliefs. In the first instance the killing of a python means drought unless ritual offerings are made and the skeleton buried in a river bed (This procedure was actually witnessed by me.) Secondly it is generally believed that the rainbow originates in the nostrils of a python lying buried in an anthill. Of a python it is sometimes said "God has initiated you since you have spots (*matwanga*)".

* The word *pembedza* used here is also used in connection with the spirits e.g. *kupembedza mizimu* — to beseech the spirits.

* The term *cilala* translated here as drought may mean a comparatively short spell of dry weather of say three weeks, during the rainy season. In the tropics with a blazing summer sun, three or four weeks without rain may be very detrimental to the crops.

* The term *kudula* used here refers to a system of tabu rules generally known as *mdulo* and pertaining to sexual restraint during specific circumstances.

¹⁰ The places (*malo ansebe*) referred to here are the ordinary places immediately outside the village where offerings are usually made, namely, at the village shrines, underneath certain trees or at cross-roads.

¹¹ *Pepa* is the general agreeing interjection made by the crowd during ceremonial procedure. To-day it is often used in lieu of our, pardon me? Basically *kupepa* means to smoke (tobacco) and the question may be asked whether this is not a remnant of a "pipe of peace". It is a fact that Cewa individuals sometimes "smoke together" especially when certain medicines pass hands.

¹² This ruff-and-tumble procedure during ceremonial meals has often baffled investigators but it is, strange enough, an integral part of Bantu reverence and a distinctive form of laudation.

CAN THE LIVING IN ANGOLA EXPLAIN THE PAST IN RHODESIA ?

CHARLES EDWARD FULLER

SYNOPSIS

The Rhodesian walled habitations, constructed of natural rock with dry mortar technique at some undetermined date by an unknown people, find a modern counterpart of floor plan in the present habitations of the Ovambo and other peoples of Southern Angola and the Northwestern part of South West Africa. Rooms, platforms, corridors, entries, which in the Eastern Rhodesia rock habitations are to be explained only by conjecture, have known significance in similarly planned buildings which the Ovambo construct with poles or slabs of wood. It is not suggested that the builders of the stone walled structures in the East were the same people who are now building the wooden structures on the same plan: although an ethnic relationship is not impossible. Rather, it is proposed that contemporary Ovambo buildings give a clue to the possible function of the various parts of the stone buildings which archaeologists have been forced to interpret with scant reference to modern culture. The student investigating the rock foundations of rondavels, winding passages, elevations, and other features of this past Rhodesian culture is counselled to make a thorough investigation of the South West African habitations as well. Certain cultural features of the Ovambo indicate East African relationships, and a thorough understanding of the present in South West Africa may well clarify the riddle of Rhodesian rock cultures.

Although framing this thesis interrogatively, let it be stated that the facts lead one to believe that an affirmative answer is forthcoming. The living culture of the Kwanyama Bantu of Angola embodies a family village structure which so approximates the basic plans employed by the mysterious stone masons of Inyanga and Rusape districts as to indicate their possible functions if not their origin.

Descriptions of the stone buildings in Inyanga are not lacking, whether the structures are termed ancient, medieval, or modern. The *Journal of the South African Archaeological Association* has repeatedly referred to them. Occasional references are to be found in *Nada*, published by the Native Department of Southern Rhodesia, and elsewhere, as the *South African Journal of Science*. In an address to the Rhodesia Scientific Association,

E. M. Finch described what he termed the "Pit People of the Inyanga Downs", or rather the recordings of their culture in rock.¹ While some of his assumptions call for documentation rather than conjecture,² and although we may differ from some of his conclusions, his description of the Inyanga Downs pits and walls is accurate; and much that he has observed can be applied equally to stone structures found in the Chikore and Weya reserves and in the Headlands farming region of Rusape District. His photographs and diagrammatic representations are well worthy of study.

The architectural complex with which we are concerned here is that which combines many pits or rondavel walls, winding corridors, tunnels, and other formations such as platforms, monoliths, and others. These may occur, as Finch has suggested, and as my own observations in Rusape district confirm, in connection with systems of fortifications and dams, or as in one site on Arnoldene farm, Headlands, with an intricate formation resembling the stock yards of a modern cattle auctioneer. The essential features, at once recognized by any who have examined these stone-walled villages, are as follows: (1) a roughly circular walled-in enclosure usually well over 50 feet in diameter; (2) a varying number of smaller circular walls, often keyed into the outer encirclement or into each other, and with communications in some cases between one small round enclosure and the one immediately adjacent; (3) well defined narrow corridors, frequently less than 3 feet wide, sometimes straight, and at other times curved about the rondavel-type foundations; (4) occasional stone platforms made by placing flat stones over several stone legs; (5) the inevitable stone for grinding grain; (6) some monolith, either at the site itself or within a short distance thereof.

Villages of this type are to be found either on hill tops or on level clearings in the highlands. I have examined many, but never have found one which could definitely be said to be remote from

a series of terraces or some sort of fortification. On hill top (kopje) or mountainous locations, such as at Chigudu, Magura, Mupfure, Chikore, and several Headlands sites, they have been approached by winding staircases. Some have had quite elaborately ornamented entrances, such as the symmetrical "violin-scroll" formation noted at a site midway between Mupfure and Magura in the Weya Reserve. Variety in style and floor plan is as numerous as the sites, changing, probably, with the builder's individual taste and in conformity to the use and location. However, in spite of the variation, the common features are consistent, as noted above. Some stone walls attain the height of five to seven feet, while others are as low as a foot above the surface of the ground. Some involve stone walled pits, while others, as at Arnoldene, are built on a flat bed of granite, though near individual pits with stone walls and terraced approaches. Much conjecture has been expended on explanations for the functions of the various components of these structures.

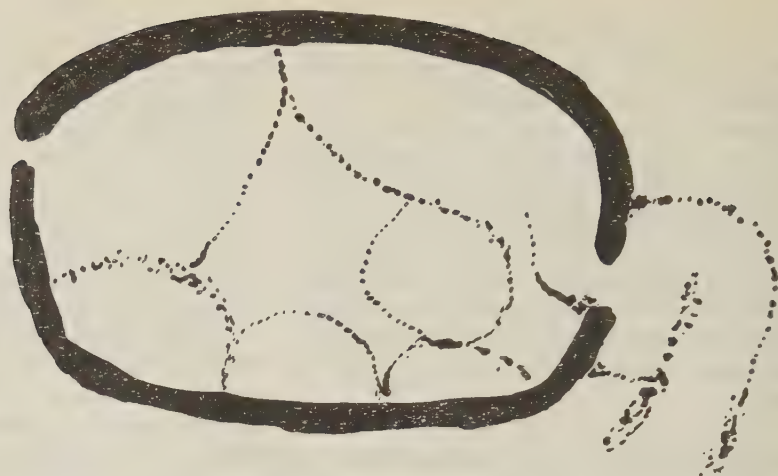
In viewing some of these remains I have joined others in pondering the function of the long passages, sometimes straight, sometimes curved. Where these have been filled in with earth they resemble ornamental flower-beds; or, were they not within an enclosure, they might be considered as earthworks in a fortification. Conjecture might run an unlimited course. The same is true of platforms, monoliths, and other features, variously interpreted as work tables, sacrificial altars, floors for storage bins and other purposes. The fact that the Shona who occupy the territory do not build with stone, and that their present customs do not include features similar to those described makes any inferences drawn from their way of life of little consequence.

However, in studying a volume *Land und Völker von Angola* by Th. Delachaux and Ch. E. Thiébaud (Neuenburg, 1933-34), a pair of photographs (±76 and ±77) appear which might be aerial photographs of a Rhodesian rock walled of dwarf cattle (pp. 44-47) of indeterminate size. I have measured tunnels which even goats would have been unable to enter, being passages to the so-called dwarf-cattle kraals.

¹ *Proceedings of the Rhodesia Scientific Association*, Vol. XLII, March, 1949, pp. 38-59.

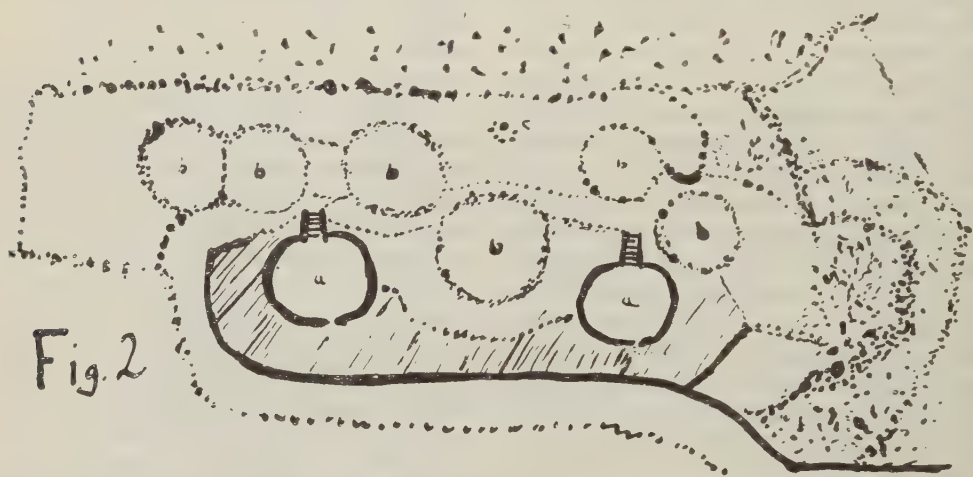
² e.g. the existence of pigmy cattle p. 57, suggested with due reservation, and with reference to reports

Fig. 1

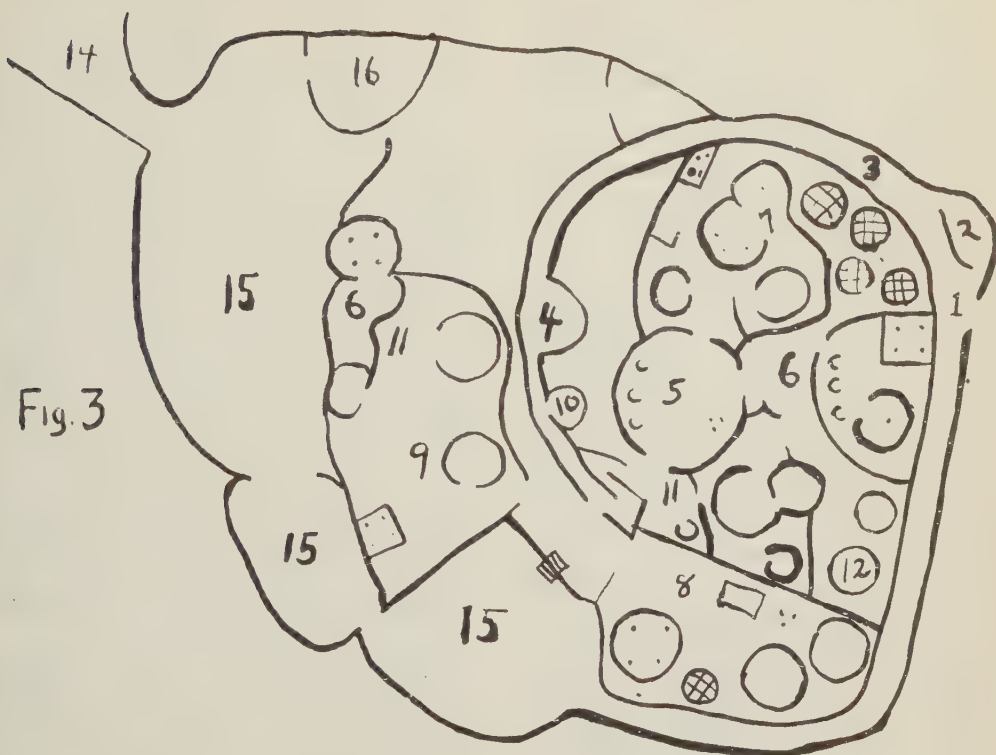


Fortified hill top stone residential site near Headlands, Southern Rhodesia. The solid lines represent walls over three feet in height and more than two feet thick, all of dry masonry. The broken lines are the remnants of stone foundations in which there is no certain evidence of entries to the various units. Recent cultures have borrowed the fortification to corral their cattle, removing many of the stones from the internal walls, which are now less than a foot above the granite floor of the enclosure.

Fig. 2



Fortified habitation on the eastern slope of a mountain, on the first rise above a gradually sloping plain. A steep ascent rises abruptly behind the back wall, and a small summit borders to the right, utilized by the inhabitants for a fortified outlook to the North. Both the mountain and the summit are covered with rocks of great size. In the drawing the solid lines represent high and thick walls (from 2 to 3 ft. thick and over 3 feet high) of dry mortar construction. Behind the forewall, which forms, with a low roughly piled rock wall a foot high, a corridor for entry; there is a filled in area of soil and rubble, surrounding the two pits, (a) and (a). These walled pits are 6ft. deep, are approached from the West by tunnels 2ft. wide and covered with stone slabs, and are drained into the entry by long narrow tunnels varying from 8 inches wide and 6 inches high in the pit bottom, to 16 or 18 inches wide at the outlet. The round enclosures drawn with broken lines, like the corridors of broken lines, are low foundation walls never exceeding 18 inches in height. Recent vandalism has made uncertain the entries to most of the hut circles (b). Towards the rear, at (c) seven stones are set in upright position in a rough circle about five feet in diameter, each buried about a third of its height, which is about eighteen inches. Modern Africans believe these were the foundations of a grain store, but are not certain. The shaded section represents artificial fill, while the broken lines and dots represent rocks either of walls or the natural lay into which they merge. The location is 3 miles East of Magura in the Weya Reserve.



A Copy of a plan from page 108, Th. Delachaux and Ch.E. Thiébaud, *Land & Völker von Angola*, Neuenburg, 1933-34. A slab walled residential area described in the caption as "Kwanyama Wohnstätte für einen Mann und seine beiden Frauen in Omupanda". For a description thereof see the text on page 166".

village. They are rather toy villages, built of bark pieces, put in place by a shepherd boy of Kwanyama, near Omupanda, Angola (16° E., $17^{\circ} 30'$ S.). The authors give their description as interpreted from the boy's explanations: There is a large reception hall in the centre, reached by a long pathway which passes first through a small reception hall. There is an elevated spot for the butter churn. The quarters of the master, another for his chief wife, and others for his additional wives are all represented. The amazing resemblance of this toy structure in Angola to the

rock walled buildings in Southern Rhodesia suggests the need to inquire further into the village plans among the Kwanyama people.

The observations of Delachaux and Thiébaud are noteworthy: "The dwelling quarters of a Kwanyama family is architecturally so unique that it pays to enter into it descriptively. If ever a balloon or an aeroplane would be of use to an ethnographer, this is the case here. In an endless plane spreads an entire forest of sticks. Under great difficulty, and with the help of Father Heckli ... I succeeded in putting

down some sketches. I had the fortune of later finding two miniature models of such a settlement in the sands of the dried out Muy River, plans which convey the impression of the mixed-up nature (*verwovienheit*) of such a dwelling (photos #76 and #77).

"It must be well understood that we are here dealing with the dwellings of the unbaptized Kwanyama; those of the Christians drift more and more away from the traditional style of architecture. I was able to record the ground plan of a dwelling which had just been removed about 100 metres. Such a move takes place every three or four years, and I can assure you that it demands a devilish job (*heidenarbeit*). The owner of the dwelling was unusually friendly to me, and sketched into the sand the arrangement of all the parts which had not been re-erected, and I could, therefore, at once recognize the improvements with which he equipped his new dwelling place.

"The whole forms a great ellipse. On the eastern end is located an entrance which leads to a first circular path (*rundweg*) into which the herds are driven to the kraal at the opposite side. A narrow path which one enters by a door, or rather a door-frame with a thorn branch serving as a guillotine barrier, curves little by little to the left, into a first round or circular place which serves as a reception hall or waiting room, and where also the holy pieces of wood and fire-place for the first corn are located. In the opposite direction leads a path to the greater room in the centre. Here are the central fire place, the horse-shoe-like arrangement of tree stumps representing the only furniture and the altar, and the ox skulls which are consecrated to the ancestors. The approach to this heart of the entire dwelling is often made more difficult through labyrinthically entwined paths. From there the head of the family can control his entire house-state. His dwelling and also that of his chief wife are located in the neighbourhood of this central room. Smaller paths lead to the milk hut, to the various dwellings of the other women, the children, and the guests, because one always finds a guest

room. Finally, one may reach to the various kraals. Each of these forms a palisade surrounded dwelling containing its own divisions. So, for instance, each woman possesses a living quarter, a kitchen for the rainy season, a hut in which to store her baskets, pots, and rare supplies, a storage platform and other pavillions. In addition, a number of fire-places are located in the open. The dwelling of the man is equipped most comfortably and shows a number of reception rooms where he may converse with his friends. He has a hut to sleep in, another one for resting; and he also possesses his own storage rooms, because each woman owes him a part of the corn which she has produced. He supplies the corn for the spring time seeding."¹

A reproduction of the diagram furnished by the authors gives the following information about a Kwanyama dwelling place for one man and his two wives as seen at Omupanda:

1. The entrance, crowned with holy timbers.
2. A room in which corn is ground.
3. A path.
4. A small reception room in which sacrifices take place.
5. A large reception room with an altar for the oxen skulls.
6. A dwelling for the man, containing his living hut, magazine, storage pavillions and platforms, etc.
7. A dwelling for the chief wife, with special reception room.
8. A dwelling for the chief wife with living quarters, kitchen, magazine, storage pavillions, etc.
9. A living quarter for the second wife, with kitchen, living room, magazine, pavillion, and storage space. Within her enclosure are two castor oil plants.
10. A small hut and a ten foot play ground for the children.
11. A hut in which butter is churned.

¹ Th. Delachaux & Ch. E. Thiébaud, *Land und Völker von Angola*, Neuenburg, 1933-34, pp. 107-108. Translation by Paul Gebauer.

12. A milk room.
13. A fowl house.
14. An entrance for the herds.
15. A kraal for oxen.
16. A kraal for calves.
17. A kraal for goats.
18. A kraal for kids.
19. Living quarters for the visitors.¹

This lucid description makes it unnecessary to make specific correspondences between the features of the Kwanyama village and the Rhodesian rock structure. The way in which the African near Omupanda, Angola uses the various sections of his village may well indicate the functions of stone structures of a by-gone culture in Rhodesia. This must be admittedly with reservations, for an historical connection between these specific Africans in Angola and the dwellers in Inyanga and Rusape regions of Rhodesia has not been established. One might well remark, however, that too little has been attempted, on scientific grounds, or with demonstrably historic basis, to relate the culture of the stone masons of Rhodesia to that of present peoples possessing similar traits. In equating a monolith with Phoenician phallic worship, a terrace with Oriental rice cultivation, an isolated bead with Chinese ancestor worship, and other artifacts with spectacular and space-jumping conjectures we are frequently blinded to the more important features of the lost culture which are within the scope of archaeological and ethnological research by Africanists.

It is clear that, without recourse to any hypothesis regarding pygmy cattle, there were in the rock-walled enclosures divisions suitable for the protection of herds, and built in such a manner as to control their movement (cf. figure 1.). As in the Kwanyama village, the guarded passages encircling or cutting through the residential areas in the stone-built settlements usually enter sections suitable for herds, and frequently regulated by systems of gates and walls permitting movement only in directions determined by barriers which could be moved by the owner at will. The living Angola village serves to illustrate the

practicality of this system from an indigenous point of view.

Without insisting on universality, or pressing the application too far, it seems pertinent to note that in the Kwanyama village the grinding stone is just inside the entrance to the village, as it frequently has been found in the stone habitations. Too frequent to be coincidental, and often with stones too heavy to be moved, the location of the stone grain mortar by the entry may nevertheless be the result of moving by others than the original builders. On the other hand, the presence of a deeply worn mortar in an obvious cattle kraal may indicate its use in olden days, as in the present, as a trough for water in time of danger.

One finds it possible to reconstruct several phases of the life of the people using the old stone buildings, keeping in mind the functions of the Kwanyama household plan. The "figure 8" foundations find ready explanation in the double houses, especially of the wives, where one section is used for living quarters and another for the storing of possessions. The position of gateways or doors admitting entrance to several sections through one central room or house or yard is understood in terms of a master's quarters which can control movement to, and from, the quarters of his wives and children. Storage platforms take on added certainty of interpretation when seen to be similar in shape and function in a West African living culture. The same is quite true of the fire place, central in court or house. The importance of the cattle in the scheme of things is certainly evident either in the Old Rhodesian or in the New Angolan arrangements.

Caution may well be called for at several points. In the first place, as is obvious, in Southern Rhodesia the dwellers built with stone. How much pole and dagga construction existed above the rock foundations we can only guess, with no certainty since these materials do not survive, and since a subsequent population could build on the foundations of its predecessors with material foreign to the original builders. In Angola the construction is primarily of poles. The old Eastern culture built for permanence, the modern Western group has for years built

¹ See Note 1, p. 167.

only to rebuild and to remodel its structures. It would be far more convincing to have a thoroughgoing comparison of artifacts to support the similarity of design which persists despite difference in material. However, our purpose is not to identify the builders of the stone-walled habitations of Rhodesia with the forebears of the Angola village builders; but rather to secure a reliable hint as to the function of various features of the builders in stone by reference to others building on the same complex pattern.

It is here that we are encouraged to seek every available help, with some confidence as to the pertinency of material. The similarities are not isolated ones such as the shape or style of a house. It has long been recognized that the similarity of individual traits in isolated areas and remote times does not constitute proof of contact and of diffusion. Unless documented by known fact, the identical form of two artifacts in distant places does not indicate an essentially identical function. For example, so uniform a thing as a cow in one place means milk or meat or both, while in another it means neither, but simply stored wealth and prestige. While answering an identical physical description, it represents two separate entities, vastly different. The presence of a fire-place does not designate fire worship, the occurrence of a conical stone or monument an obsession of phallic interests, or the elevation of a platform an altar of sacrifice. However, our comparison is not that of individual traits of simple nature, but rather of a complexity of smaller complexes seen in the groupings of artifacts of defined character. I am inclined to believe that a study of the form, function, and meaning of village plans and their component parts, as well as of other pertinent elements of their culture would make the examination of the Southern Angola inhabitants and Northern peoples of South West Africa profitable for the student of Southern Rhodesia rock cultures. An objective study of the Bavenda is similarly indicated.

Exact uniformity is not to be expected, for the Kwanyama builder seeks to improve on his own earlier design, and the contour of land frequently suggests innovations. It appears that the important feature to be noted is the set or sets of correlations. What is the composition of the central apartment; the surrounding living quarters, the connecting passages, the hypothetical stock yard, and other components? What are the relations existing between one and the other of the parts or sections? How do these combinations compare between the Eastern stone culture and the Western African types? In what way do the individual artifacts, such as pottery, stone tools, fire-places, storage platforms, and others resemble each other. There are numerous questions to be asked which the serious student of Rhodesian rock cultures should investigate in living cultures employing the complex habitation plan similar to that of the old Rhodesians. One can be certain that both plans reflect a common set of features: protected entry from outside, for man and beast; control from the central apartment of the head of the village; easy access between the head and the relatives or associates; conservation of food and implements within the protected area; and adjustment between the people and their animals to provide access and control as well as protection and some isolation.

That the cattle people of Southwest Africa and Angola are Bantu who probably crossed from East Africa by way of the highlands now known as Rhodesia has long been recognized. Whether they were predecessors, contemporaries, or successors of those who built the Rhodesian villages as they passed the land of Rock Riddles is not the most important question. Rather, if their village plans are really similar, the need is to make further enquiries to indicate how far a knowledge of their customs can be scientifically employed to explain the function and meaning of the stone structures about which we seek knowledge.

OBITUARY

MRS. H. M. McKAY (née Raeburn)

Mrs. Helen Millar McKay died on 12 July 1952 in Johannesburg. She was born at Banff, Scotland in 1878; trained in the Academy there, and took her Teacher's Certificate at the Aberdeen Training College. She came to Johannesburg, and married in 1910, but lost her husband the very next year. In 1913 she began her South African teaching career in Malvern. In 1918 she was appointed Principal of the new Malvern West School, and held this post until her retirement in 1933. From 1934-50 she was an active member of the Witwatersrand Central School Board.

Last March the University of the Witwatersrand conferred on Mrs. McKay the degree of Master of Arts *honoris causa*, mainly in recognition of her impeccable work on the Burchell material in the Gubbins Library of Africana. Exactly eighteen years previously she had received her Reader's Permit to use the University Library.

Mrs. McKay's interest in Burchell was reflected first in four papers that she contributed to the *South African Journal of Science* 1934-37. In 1938, under her honorary editorship, appeared the first volume of his South African Drawings: "The Bachapins of Litakun". That same year she talked to the History Society at Fulham, Burchell's birthplace, and began her association with the *Journal of South African Botany* 1938-43. She was also a contributor to: *South African Libraries*, to the *South African Medical Journal*, and to *Africana Notes and News*. In 1947 she supplied information to Dr. Cave for his paper presented to the Linnean Society.

Only a week before "Graduation",¹ Mrs. McKay received with joy her advance copy of Burchell's "Landscape Sketches".

We have her MS. corrections to the life of Burchell that appears in the *D.N.B.*; her annota-

tions to the late Sir Edward Poulton's Cape Town lecture on him² and masses of other documents constituting the raw materials of her projected *magnum opus*: "William John Burchell".³

For all this we are inexpressibly thankful. Her relations, her friends, her colleagues and other students, old and young, deeply mourn the passing of a wonderful woman, who was blessed with a keen sense of humour and a self-effacing personality, ever ready to communicate her inexhaustible knowledge of Africana. She worked quietly, true to the tradition of the Academy, and won its highest praise: "Well Done!"

P. FREER.

HER PUBLICATIONS

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Jhb: Witwatersrand University Press 1938-

Vol. 1: **The Bachapins of Litakun.** 1938. O/P.

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³ The funeral notice invited donations to a Burchell Publication Fund, in lieu of flowers.

¹ "... I am rather nervous over this coming ceremony ... " (20 Jan. 1952).

² *Rep. Brit. & S.Afr.Ass.* 3: 57-110, 1905.

—Wm John Burchell, Botanist. (*ib.* 71(1-4) 1-18, 61-76, 115-30, 173-86, 1941).

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... Burchell in St. Helena 1805-10. (*S. Afr. J. Sci.* 31 : 481-9, 1934).

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—Wm John Burchell, Scientist. (*ib.* p. 689-95).

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PYRE BURNING IN SWAZILAND

H. J. E. DUMBRELL, C.B.E.

EARLY in 1951 the Assistant District Commissioner, Bremersdorp, G. C. Ryan, M.B.E. now in the Bechuanaland Protectorate, reported that at one time certain sections of the Swazi had burnt their dead. At his request I followed up the clue he had found. One of the first persons I consulted was Mr. Sukati, a Swazi serving as Assistant Secretary in the Swaziland Administration. He, and other Swazis informed me that the practice was confined to the Amakandzambili (those found further on) i.e. to the authochthonous inhabitants prior to the arrival of the Swazi circa 1815-1830. The exclusiveness of this information may be gauged by the fact that none of the old-time Europeans, including Mr. A. G. Marwick, O.B.E. who entered Swaziland in 1903, had ever heard of the practice. Mr. A. G. Marwick is uncle to Mr. B. Marwick author of *The Swazi*, wherein also no mention is made of burning their dead. Mr. A. G. Marwick then made enquiries among the Swazi and discovered that cremation had been an early practice among the Maseko and Simelane groups and that the knowledge of this practice was widely known among the Swazi.

My own enquiries showed that cremation as a means of disposing of the dead was common knowledge among the Swazi. Some of my older informants stated that cremation ceased shortly after the occupation of the country by Somhlolo

(Sobhuza I) who incorporated the Masekos and Simelanes into what is now the Swazi nation. My informants stated that cremation sites were still well-known and could be pointed out. I have not been able to check this statement.

One informant said that the practice was to dam off a portion of a river bed and then on the exposed portion of the river bed to build a funeral pyre whereon the body was laid. Over the body more bushwood was placed and then set alight. When pyre and body were reduced to ashes the temporary dam was breached and the ashes swept away by the released waters.

Such cremations were carried out on the banks of the Umtilana river, some five miles west of Bremersdorp and close to the Lozita or Royal Kraal of the Paramount Chief, Sobhuza II.

Maseko, an elderly man in Mr. A.G. Marwick's employ, volunteered the following information. He states that in the cremation of their dead only the wood of the *isihlangu*, a thorny tree was used. This is the same term for a warshield. The ashes were thrown into the Buhlangu stream, a tributary of the Big Usutu river, in the neighbourhood of the Mzeula mountain range which lies to the west of the Usutu Mission Station. At the time of the Swazi invasion the Maseko were living on the Mzeula and were called by the Swazi, *Emakandzambili* i.e. those found in front, or those in occupation, i.e. aborigines.

The word *buhlungu* means, pain, poison, suffering, and this man told me that the Maseko do not drink from this stream because its water causes them to vomit.

Mr. Marwick adds that the present chief of the Maseko is Mshinanga, son of Chief Japane, and that, as a small boy, Mshinanga was in Mr. Marwick's employ, yet it is only now that Mr. Marwick has become aware of this old practice among the Swazi of pyre burning.

NOTE: As it was a common practice to destroy by burning, those accused of witchcraft, one must be careful not to interpret burnt human remains as evidence of cremation. Fortunately here there is clear evidence of cremation and another culture trait that fits in with other evidence of Indian influence is factually established.

(Ed. M. D. W. J.)

CORSALI 1515 ON BANTU AND SUDANIC LANGUAGES

M. D. W. JEFFREYS

THE earliest record that I have found which recognises that the Negroes of Africa speak two different families of languages occurs in a letter written in Goa, India in 1515 by a Portuguese named Corsali. King Emanuel of Portugal sent to Prester John, the Abyssinian King, two ambassadors by the fleet commanded by Lopez Soarez who was to relieve Albuquerque then in command of the Portuguese possessions in the Indian Ocean. Soarez first went to Cochin, a famous city of Malabar, to revictual his fleet and to take in water. He then proceeded to the Red Sea to land there the two ambassadors. Here he found Andrea Corsali who embarked on board the fleet, and who wrote the following letter from India. This letter is printed by Ramussio in the first volume of his *Delle Navigazione et Viaggi* published in 1554 at Venice. On page 196 thereof occurs the following passage :

"La terra ferma è habitata da huomini bestiali, et pasimente tutta la costa, et dall o stretto de mar Rosso, fino a capo di Buonasperanza tutti sono d' una lingua, et da capo di Buonasperanza, fino a capo Verde, parlano differente da questi di Monzambiqi." An English translation of this

extract appears on p. 413 of *A General Collection of Voyages and Discoveries*, published in London in 1789 by W. Richardson and others. "The *terra firma* is inhabited by a savage race of people, as is the whole coast from the streights of the Red Sea as far as the Cape of Good Hope, and they are all of the same language ; and from the Cape of Good Hope as far as the Cape Verde Islands, they speak a different language." The words "from those of Mozambique" have been omitted.

Though Corsali had wide experience of African and Oriental languages one wonders whether what he was really noticing was that on the East African coast there was a *lingua franca*, Kiswahili, and that on the West coast of Africa there was no *lingua franca*. I incline to this interpretation of Corsali's observation. It, of course, actually describes the situation, but Corsali's observation then reduces to the fact that he was aware of a *lingua franca*, "tutti sono d' una lingua", not that all the East African languages belonged to one family, the Bantu family of languages, and that the West African languages belonged to another family, now called Sudanic.

MAIN CONTRIBUTORS TO THIS NUMBER

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PROFESSOR C. E. FULLER is a Viking Research Fellow and is now conducting research for the Department of Anthropology of the Northwestern University, Evanston, Illinois.

BOOKS IN REVIEW

Islam in Ethiopia. J. S. TRIMINGHAM. (Oxford University Press: 1952.) xv + 299 pp., 25s.

This is the second of a series of publications in which Islam in Africa is to be surveyed. The first, dealing with *Islam in the Sudan* was published in 1949. This follows the same method as the first dealing with the distribution of the peoples, the tribal history and a close consideration of the particular type of Islamic culture and belief of the area. The area under survey is one of the most 'cosmopolitan' in all Africa. Under the term Ethiopia the author treats of that region of north-east Africa covered by the present Eritrea and Abyssinia and the three Somalilands. Semitic, Hamitic and Negro (both Sudanic and Bantu) contribute to the racial complexities of the region. The cultures of the Amhara, the Galla and the Somali are strongly interacting; and on the religious side, Christian (monophysite and Roman Catholic), Mohammedan and Pagan forces and beliefs have during the centuries and still are influencing one another in a most confusing way. As the author states in his preface, his book "gives the story of the impact of Islam upon the nomadic and settled peoples of the region, the reaction of the indigenous cultures to that impact, and the existing state of the Islam professed by those peoples who have been won over to it."

The author divides his book into the following sections: (1) a description of the land and the people; (2) the history of the conflict between Christianity and Islam in Ethiopia; (3) the tribal distribution of Islam, and (4) special characteristics of Islam in the region.

The second section, covering over a hundred pages, is a valuable historical interpretation. It gives a picture of the swing of power backwards and forwards; and on reading it, it seems amazing that Christianity survived at all, isolated as it was from the rest of the world. The author attributes the survival of Christian Abyssinia to two factors, to "the national spirit based on the

legendary foundation and the common faith" and to "physical impregnability." This latter was the cause that halted the Galla invasions, for those lowland people could not survive the rigours of the highlands. Many tribes, however, originally Christian, did become Islamised; they are still found with Christian practices interspersed with their Islamic rites. In many cases their conversion was due to the withdrawal of the priests during unsettled times, and, depending more on ritual than real spiritual conviction they were the more easily influenced. Similar influences the other way, from Islam to Monophysite Christianity, are going on to-day where imams or other Islam leaders are lacking to maintain their faith.

The book contains valuable sections dealing with the Somali and the Galla particularly. When dealing with Muslim religious life, the author presents three 'layers': (1) the Orthodox, best exemplified in Harrar; (2) the Dervish orders and saint worship, similar to what he described in more detail in his work on the Sudan; and (3) a mixture containing pre-Islamic pagan superstition and magic. When dealing with the admissibility of pagan practices in Islam, the author states: "It has been pointed out that whereas St. Paul says, 'he is not a Jew who is one outwardly' (Rom. 2:28), the Prophet's doctrine was, 'he is a Muslim who is one outwardly', in other words who pronounces a fixed formula and observes a fixed rite. Thus it is that we often find fierce loyalty to Islam combined with utter ignorance of its teaching and complete laxity in the performance of even primary religious duties." This is true of the Somali, for instance, "who has tended to accept the exterior forms of Islam while remaining comparatively unchanged in his inner life. Islam satisfies him just because it does not attempt to revolutionize his inner life." Elsewhere, when dealing with the islamisation of Christian tribes in Eritrea, he writes: "There is a general tendency of nomad tribes to accept Islam because of the territorial freedom of its

worship not tied to a fixed church building and priesthood."

This book is a masterly study and a valuable companion to the first volume. Its value to the lay reader would have been enhanced if the author had included a key to the pronunciation in the use of the various diacritics, and especially a glossary of Arabic, Amharic, etc. terms used of necessity so frequently throughout. We made this suggestion in reviewing the previous volume. The variant spellings of place and tribal names as between the text and the maps, e.g. *shaik* and *sheik*, and *amir* and *amer*, etc., should have been explained, if not regularized.

C. M. D.

A Grammar of Mwera. LYNDON HARRIES. (Witwatersrand University Press: 1950.) x + 128 pp., map. 12/6.

In 1949 there appeared No. II of a new series entitled *Bantu Grammatical Archives*, under the editorship of Professor C. M. Doke. This was *A Grammar of Luvale*, by A. E. Horton. The present study of Mwera (*CiMwela*) by Lyndon Harries is No. I of the series, but was delayed in the press and became available only in 1951. Mwera is spoken by some 75,000 or 80,000 people in Southern Tanganyika, and is a member of the Yao group in the East-central zone of Bantu languages.

Hitherto our only information on Mwera has been the brief 'Skizze der Grammatik des Kimwera in Deutsch-Ostafrika', published by R. von Sowa-Brunn in the *Zeitschrift für afrikanische und oceanische Sprachen*, vol. II, 1896, and therefore any new study of this language is to be welcomed. Unfortunately, however, there is rather a lot to criticize in Lyndon Harries' work. His method of grammatical analysis is based on C. M. Doke's *Text-book of Lamba Grammar* and *Text-book of Zulu Grammar*; but the book contains a number of errors of description and classification, as well as other inaccuracies. The following are some of the more important points noted:

Chapter I: (a) The term 'homorganic' is used

in a restricted sense which is unusual in phonetics; thus '... *p* also occurs in conjunction with *m* (not the homorganic nasal) ...' (p. 7). In fact *m* is homorganic to *p*; but apparently *mp* does not constitute a mono-phonemic nasal compound, whereas *mb* does. (b) 'In Mwera, elision of vowels occurs only in pronouns ...' (p. 4); other instances of elision are, however, noted elsewhere in the book, e.g. in the formation of certain copulatives (p. 112). (c) The process associated with compounding of noun and demonstrative, correctly described as elision on p. 4, is described as coalescence on p. 42. (d) 'Elision of the initial vowel of the quantitative pronoun ...' (p. 4); this should surely be 'absolute pronoun'.

Chapters III and IV: There are numerous instances of qualificative pronouns (relative and possessive) being treated as nouns, e.g. *anācenga* (builder) on p. 21, *awilile* (mourner), *akalola* (blind person) and *jwālima* (cultivator) on p. 22, and similar examples on pp. 36-37. That their semantic equivalents in English, Lamba or Zulu may be nouns does not necessarily mean that these Mwera forms must also be so classified; in any case, they lack the characteristic noun prefixes of class 1, and therefore cannot be included therein.

Chapter V: (a) The forms with stem *-yene* (the same, the very), and also the 'Definite Numerals', do not have the characteristic concords (*jō-*, *gō-*, *lyō-*, etc.) of the quantitatives, and there seems to be no justification therefore, for treating them under this heading. (b) The section on qualificative pronouns also could be much improved. For example, 'Qualificative pronouns formed from relatives ... undergo no change in any of the classes other than Class I s.; here the relative concord *a-* gives place to the adjectival concord *ju-*' (p. 50). Firstly, the example given, *aice awilile* (the black has come), if correct, invalidates this statement, otherwise it should be *aice juwālima*; secondly, there is no other evidence in the book of an adjectival concord *ju-*, though there is such an enumerative concord.

Chapters VI to IX: (a) A large proportion of the examples listed in chapter VI as adjectives (pp. 53-54) are in fact possessives, and should

appear in chapter IX. This confusion apparently arises because Mwerá adjectives may alternatively take two types of concord, (i) a simple concord, in most cases resembling the noun prefix, or (ii) a compound concord, consisting of an element resembling the possessive concord, plus the simple concord. (b) The comparison of relative and adjectival concords (p. 55) seems unnecessary; it would be pertinent, however, to point out that the (direct) relative concords are morphologically identical with the subjectival concords. (c) Though referred to in the chapter thereon, the non-concording forms *ncece* (four) and *nyano* (five) are, of course, not enumeratives; they would best be treated as 'Invariable Qualificatives'.

Chapter X: 'The agent [of the passive] is expressed in the form of a copulative predicative, i.e. a copulative is formed . . . by the use of the formative *na-* . . .' (p. 65). Since the impersonal copulative formative is *ni-* (vide p. 112), this statement is obviously incorrect. The agentive adverb in Mwerá seems to be identical with the conjunctive adverb, formed by prefixing *na-* (cf. p. 120).

Chapter XI: (a) The only difference between the 'Definite' and 'Indefinite' tenses (pp. 92 ff.) is that the former incorporate objectival concords and concomitantly an additional formative *-ku-*, whereas the latter do not. It would surely have been better to have noted this convention and left it at that, instead of duplicating the descriptions and paradigms for each of the relevant tenses. (b) There seems to be some error in the classification and description of the tenses in the conditional mood (pp. 106 ff.). Tense no. 43, stated to be present positive, has a distinctly negative flavour, e.g. *ngapinje* (unless I want); but in this, as in some other cases, the reviewer, having no personal knowledge whatsoever of Mwerá, cannot be sure of his ground.

Chapter XIII: (a) 'The locative enclitic *-ni* is used only in a very few adverbial forms in Mwerá' (p. 117). No such forms are listed however, and we are left uncertain as to whether Mwerá does indeed employ a locative suffix *-ni*. (b) Under the heading 'Some Interrogative Adverbs' (p. 121) are given examples with stem

-lingwa ? (how many ?) and *-gani* ? (what sort of ?). The former are enumeratives (vide pp. 56-57), the latter possessives.

Apart from these and other such inaccuracies, the book contains numerous misprints and spelling inconsistencies, particularly in the use of *w* for *ô*, *n* for *ny* and in the marking of long vowels, e.g. *a* for *ā*. In the chart of consonants on p. 6, *w* should be 'w'; both here and on p. 13 the 'flapped lateral' is symbolized by *ɾ* instead of *.l*; and on p. 18, in the seventh line from the end, '3rd demonstrative' should be '4th demonstrative'.

Despite these criticisms, this book provides us with a great deal of valuable information about a hitherto almost undescribed Bantu language which has a number of interesting features. It helps to fill a serious gap in our knowledge, and will therefore be welcomed by all students of the Bantu languages.

D. T. COLE.

Basutoland Medicine Murder. G. I. JONES.
(London. H. M. Stationery Office: 1951.)
vi + 104 pp. Tables, Maps. 3/-.

This report is the result of only four and half months' research in the field and knowing the difficulties attendant upon this type of investigation, namely the reluctance, through fear, of persons with first hand information to give evidence, Mr. Jones has done an excellent piece of work. He was an administrative officer in the Colonial Service in Nigeria and was an eminently suitable choice to investigate these murders, which owing to irresponsible journalists are presented to the public as "Ritual Murders". As Mr. Jones correctly points out these murders are not connected with any rites and are not ritual murders. These murders are performed for magical purposes and not for witchcraft either. On the question of distinguishing between witchcraft and black magic, i.e. sorcery Mr. Jones is not too clear, thus (p. 12) he writes: "They (the Basuto) also distinguish between bad 'medicines' employed in sorcery and witchcraft. . ."

but no 'medicines' are ever employed in witchcraft. The use of a medicine, (substance) places the matter in the category of magic. Magic uses a substance, a rite, a formula or spell: witchcraft employs no substance, no rite, no formula or spell. Confusion on this point is comparatively easy among the Sotho who have only one word for both witchcraft and magic whereas most other African languages have distinct words. Mr. Jones' description of an *ngaka* alias witch-doctor is also commended to journalists who continue to mislead the public. Here, plus Soga's description (*The Ama-Xosa Life and Customs*, p. 155. London 1951), is a correct appraisal of the functions of the witchdoctor in Bantu Society.

Mr. Jones is not very happy in his use of the verb to hang (p. 20, 24),). The correct use may be illustrated by: "Many an artist hung in the Academy would, for art's sake, be better hanged in Pentonville".

In investigating these murders Mr. Jones exposes faults in the administration, one is the *laissez faire* attitude of letting sleeping dogs lie. Thus the statement (p. 43) that administrative officers had insufficient 'knowledge of the political history of the various wards in their division' discloses a deplorable state of affairs. Again: "But they (administrative officers) had no knowledge of what this system (the existing political structure) consisted of in the lower levels of local administration . . ." indicates a reprehensible lack of touring by administrative officers or else of keeping to a routine of the beaten tracks. In the eastern provinces of Nigeria each village was expected to be visited at least once a year by an administrative officer and the compilation of intelligence and of assessment reports constituted a body of knowledge that portrayed what was happening at the lower levels. Mr. Jones reveals that at least eight theories put forward mostly by persons not competent to express an opinion, were current to account for these medicine murders. In the opinion of the reviewer, Mr. Jones correctly attributes these murders to a growing sense of insecurity among the minor chiefs because it is they who mostly resort to these murders to obtain human remains as a means of magically

protecting themselves against adversity. Two factors make for insecurity among these minor chiefs, one is the use of money and the other is the "placing system". Not enough stress has been laid on the disrupting effect of money on African society. Two examples from elsewhere will reveal what is also happening in Basutoland. Dr. Field in her book, *Social Organization of the Ga People* of the Gold Coast records the words of a kindred head: "Money always spoils respect (p. 218)." and Mr. McCulloch in his monograph *The Southern Lunda and Related Peoples* writes: "... with the introduction of a money economy the power of the village head has greatly decreased (p. 28)." Mr. Jones notices that one of the recent reforms introduced was the payment of salaries to chiefs. The minor chiefs apparently received but little consideration (p. 50): "Thus the payment of salaries can hardly be said to have lessened the feeling of insecurity of the lesser chiefs and headmen: it merely gave them a new grievance". These salaries could be substantially raised when it is realised that in Nigeria a tribe as highly organized as the Basuto may secure more than 60 per cent of the King's tax as against the 31 per cent (p. 47) allowed to the Basuto.

The placing system, i.e. the system by which posts must be found for the younger sons of the great chiefs at the expense of the lesser chiefs, impacting on the disrupting effects of a money economy, is correctly found as the cause of the unrest that has forced these minor chiefs to seek protective magic to ensure their tenure of office. This magic is secured by incorporating human remains in their protective "medicine".

The placing system is not unique in Basutoland, it occurs in many places but in many tribes these difficulties have been solved. Thus among the Yoruba of South Western Nigeria Daryll Forde (1951, 22) writes: 'Members of the royal lineage and civil chiefs had lordships over various towns in the chiefdom, but they were not expected to take any part in their administration which remained in the hands of headmen or locally dominant lineages'.¹ Posts of prestige were

¹ *The Yoruba-speaking Peoples of South Western Nigeria*. London 1951.

found for scions of royalty leaving untouched the hereditary executives.

Cap. VI is a summary of the reforms introduced in 1938 and Mr. Jones writes: "The greater chiefs were consulted and took an active part in framing these reforms, the majority of the lesser chiefs and headmen and their people were not, which may explain why these reforms have been misunderstood and have led to so much distrust of the Government and the Native Administration (p. 56)."

Such misunderstanding so increased the sense of insecurity and the need to combat it magically that: "of 93 medicine murders dating from 1895, twenty-three happened before and seventy after 1938 (p. 21)."

What appears as a result of this report is the backwardness of Basutoland as compared with say Nigeria in Native Administration. In Nigeria the more responsibility is placed upon the African the more he responds to it.

M. D. W. JEFFREYS.

The Yoruba-speaking Peoples of South-western Nigeria, by DARYLL FORDE. (Commercial Aid Printing Service, London: 1951.) 102 pp. Map. Bibliography. 8/6.

This monograph by the Director of the International African Institute is Western Africa Part IV of the Ethnographic Survey of Africa published with the aid of a grant from the Colonial Development and Welfare Fund. The monograph is produced by the photo-litho-offset process, and is divided into three parts. Part I of 31 pages gives, with many omissions of important data, a brief summary of the general aspects of Yorubaland, its people, its culture, economy, social organization and political structure. Part II of 53 pages repeats briefly the substance under headings for each of the nine divisions of the Yoruba. Part III is the bibliography of 18 pages. There are a few unimportant omissions from it.

The total population is estimated at over three million. A feature of the Yoruba is their partiality

for towns. "Ten of the eleven largest towns in Nigeria (over 37,000) are Yoruba ... (p. 15)."

Professor Forde writes (p. 1): "Yoruba immigrants in Sierra Leone are called *Aku* by the French in Senegal". From this remark one gathers that no where else are the Yoruba thus known. *Aku* is a salutation name (Jeffreys. 1942). Burton (1863, II, p. 113) writing of the Yoruba said: "All these people, from Benin to Dahome, when heard thus saluting at Sierra Leone, are called, *Akoos*, with as much correctness as if Englishmen were termed 'God-bless yous'".

What is a reprehensible omission is any reference to the Yoruba tradition that their ruling group came from the east thus placing the Yoruba kingdoms in line with the other great kingdoms of West Africa, that they were formed by ruling groups with divine kings arriving with a high culture and creating kingdoms out of the autochthonous inhabitants. This tradition is recorded by their own historian Johnson (1921); by Frobenius (1913); by Farrow (1926) and by others.

The coronation ceremony to which that of the Yoruba conforms was shown by Hocart (*Kingship*. 1927) to have a standard pattern but no mention is made that its occurrence among the Yoruba is another instance of diffusion though the evidence was available (Jeffreys. 1934). Of the eleven pages, half of which are repetitive, devoted to economics, two could have been devoted to indicating the main features of such diffusion. To omit any shows a remarkable lack of historical perspective and presents a standard of scholarship unworthy of the Director of the International African Institute.

Esusu (p. 16) is not a Yoruba word, nor a Yoruba society. It refers to the 'menage' or 'credit-ring' found in Europe and in Africa from the Gambia to well beyond the Cameroons. It is also found in the West Indies (Jeffreys. *Le Associazioni 'Osusu' nell 'Africa Occidentale. Rivista di Etnografia*. Anno V. Fasc. 1-2. Napoli. 1951. p. 3-12).

No mention is made of the vestiges of an old dual organization though one is treated to "a terrestrial chief" and "a celestial chief"; inner and outer officials; senior and junior titles: right wing

and left wing of the army yet this feature has been dealt with (Jeffreys. 1946).

Nothing is said of the word *Orisha* but it is quite clear that it has the same connotation as does the word *Alushi* among the Ibo where *Alu* = child and *shi* = sun or sky. In *Orisha*, *ori* = *ara* = kith or relative and *Sha*. Now in *Shango* the God of Thunder there is the root *Sha*, indicative of the sky so the conclusion is that *Orisha* = kith of the sky, a term that could be translated by the word 'saint'. Further, the meaning of the word *Olorun* as the name for the Supreme Being is not given. *Olorun* breaks up into *Ol* and *Orun* where *Orun* = Sun. The religious cult of the Yoruba is a sun cult imported from the north east.

There are so many and important omissions from the historical and cultural aspect that the value of this monograph is very seriously depleted thereby.

M. D. W. JEFFREYS.

Des Menschengesistes Erwachen, Wachsen und Irren. Versuch einer Palaeopsychologie von Naturvölkern mit Einschluss der archaischen Stufe und der allgemein menschlichen Züge. R. THURNWALD. (Duncker & Humboldt, Berlin: 1951.) 448 pp., DM 28 (ca. 50/-).

The author intends to give a history of the development of the principles of human thinking based on the facts which are presented, especially by the so-called "Naturvölker", i.e. by people who still lack a mastery over the phenomena of Nature, and who, therefore, also possess a very small accumulation of exact knowledge. The mastery of Nature, however, progresses in time by a more and more exact analysis of experience and by the elimination of wrong conclusions. Wrong conclusions are mainly due to the frustration of emotions, preventing the faculty of causal conclusions from reaching a correct analysis. The author does not deny, therefore, that already man in the stage of incomplete mastery of experience possesses the faculty of reaching logical conclusions and of analysis, but he maintains that these faculties are not yet used in such a degree as that learnt

in the course of time. It is to be assumed that the author is also of opinion that the later "master thinkers" and "people who are weak in thinking" (p. 415) have had corresponding forerunners also in that stage of thinking that he calls "paleopsychic thinking". The stages where this form of thinking is prevalent, he calls "paleocultures" (p. 380).

The paleopsychic form of thinking, however, does not disappear steadily, paving the way to rational-causal thinking in every direction, but corresponds with the changing forms of social life that mainly promotes or prevents the accumulation of knowledge. The idea of progressive evolution is, therefore, complicated in the highest degree and is not without relapses and strong emotional interferences.

The author refers also very instructively to the cultures of the so-called ancient or archaic high culture people, such as the ancient Egyptians, Babylonians, Indians of the "old world", and the Mexicans, Mayas and Peruvians of the "new world", showing the different degrees of progress according to the measure discussed above. He also shows that at present the so-called modern high culture people have by no means reached such a stage of thinking and consequently of acting which can be called a supercession of the so-called "paleopsychic thinking".

Although the accumulation of knowledge is at present great, yet human emotions are still strong enough to make man act "without foreseeing whereto he actually drives". Here the author rises above all modern wars and suggests that that "which thinks in us and drives us, is as unknown to us as the complicated happenings around us, if we consider them as manifestations of the inscrutable world-cosmos" (p. 411). From this standpoint it is very easy to understand that the author is also of the opinion that man never can get an absolutely correct knowledge of reality, because his mind is always too attached to his emotional "ego" and that prevents him from reaching the ideal of "objectivity" (p. 412).

The author has summarized the characters which he considers as the "paleopsychic" form of thinking in the following sentences:

(1) Already man at the paleopsychic stage of thinking is in possession of the faculty of logical thinking and connects the events of his experience according to the principle of causality. On the stage of higher culture, however, causal thinking is still strongly influenced by the emotional character of human life and, therefore, subjected to many errors, which are later eliminated, if the general culture conditions are favourable enough.

(2) This prevalent emotional character of human thinking is caused, above all, by the so-called "ego-centric" orientation of man, i.e.:

(3) All occurrences in his natural and social environment are interpreted by man as actions which are produced by "superhuman beings", either to the benefit or damage of man; he reacts, therefore, in the corresponding manner, which, from our modern standpoint, are usually, called "magic actions".

(4) Because the "universe" or "the world" of man at this stage of experience and mentality is thought to be populated or haunted by spiritual beings" (according to the character of man) and endowed, therefore, with conscious will, man constantly confuses his own conscious will with his own unconscious wishes and apprehensions.

(5) Consequently man is in such cases not yet able to analyse his experiences sufficiently (and to eliminate the respective errors).

(6) Only the *accumulation of knowledge* which is based on correct analysis is able to eliminate the errors from the traditional "knowledge" or, at least, to restrict the inaccurate portions of the traditional knowledge to special spheres. In this way progress is achieved.

(7) This progress (or growth, "Wachstum") of human thinking and, consequently, of culture is, however, always hindered or disturbed by emotions, above all by those of hate and greed; but the author concedes that the impulses given to further accumulation of knowledge by competition (between the

nations and within themselves) must not be forgotten (p. 380 f.).

The author demonstrates his conclusions by innumerable instances, whereby he himself displays a masterly faculty for sociological and psychological analysis and by his world-wide experience in field-work. Any reader of his book will, therefore, find it a treasury of scientific approaches to various ethnological problems of to-day. In comparison with the book by Ad. E. Jensen which had similar aims and was discussed in this Journal Vol II, 1952, p. 42 ff. The reader of Thurnwald's book will easily recognize the advance which this book achieved, although the faculties of arts and mathematics are scarcely discussed with regard to their contribution to the problem of the development of human thinking. On the other hand, the reviewer has, in spite of his opinion that Thurnwald's work is much deeper than that by Jensen, special and principal objections to some of the author's interpretations and to the general theoretical result of his investigations, but they are, as he thinks, not of such a kind to influence an acknowledgement of the author's work as the result of an immense accumulation of research, comprising much wisdom for all.

The sixth chapter of the author's book is devoted to the discussion of the phenomena of the so-called "superhuman powers". It will copiously reward the reader's effort in studying this book. We recognize, reading this chapter, once more that the real mirror of man is his religion, wherein is concentrated all that which man considers as the result of his thinking and acting.

In the first chapters the author discusses the mental, social and natural conditions of man's life and the inevitable change in it during the course of time, produced by the accumulation of theoretical and practical knowledge: (1) The complexity of the psychic processes; (2) Horizons of cultures; (3) Mastering Nature; (4) Vehicles of Power; (but the author's interpretation of the Polynesian (Austronesian) word *mana* seems to me to be still too hypostatic); (5) Manners of

human mentality which is not yet of an analytic character. In the last two chapters the author penetrates deeper into the religious as of metaphysical phenomena (such as priests, shamans, prophets, magicians, secret societies, ancient Greek mysteries, early forms of cults, etc.) Many interesting tabular surveys of the subjects discussed and a glossary of the specific terms used, facilitate the study of the book.

F. RUDOLF LEHMANN.

Les Musulmans dans le Monde. (Publication of the Centre des Hautes Etudes d'Administration musulmane, Paris: 1952.) 42 pp. with map.

This is a most informative publication giving the distribution of Moslems throughout the world, their population statistics in each country, compared with non-Moslem Communities, and the main types. The total world Moslem community is computed to be between 330 and 400 millions. Figures are very uncertain for some countries, e.g. the Soviet Union, China, Ethiopia, Madagascar; that for China is computed at between 10 and 50 millions, Ethiopia between 2 and 3 millions, and Madagascar at between 30,000 and 300,000. Nevertheless figures may be relied upon in a large proportion of cases. Accompanying the publication is a very well prepared world map showing the distribution, with a special enlargement for the middle-east countries.

C. M. D.

History on the Luapula. IAN CUNNISON. Rhodes-Livingstone Papers, No. 21. (O.U.P.: 1951.) viii + 42 pp., 4/-.

This is a carefully argued discussion of the content and value of Native histories emanating from the Valley of the Luapula River along its last hundred miles before entering Lake Mweru. The author reveals two main types: personal history, and universal history with the Luapula Valley as the universe. He emphasizes that his-

stories concern relationships between people whose representatives are living to-day, and that these relationships centre in the ownership of land. "History is always and only the history of a group." Dating and the time factor are minor considerations; "time in each sub-clan history is sufficient in itself and is not compared with the time of any other history."

The area under review is peopled by the Lunda of Kazembe and the Shila branch of Bemba. The inter-relation of these two with the Shila chieftainship of Nkuba regarded as "wife" to the Lunda suzerainty of Kazembe. All the ramifications due to carrying on the historical relationships of many years back to the modern representatives of chiefs and others concerned are well explained. The author reveals a grip of this difficult aspect of historical research. Translations of vernacular references are sound throughout: on page 17, *kucindika* and *kupelo'mucinshi* mean rather "show respect" than "show kindness"; on page 24, *mbolela pano* is more strictly "I rot right here" than "I lie here and rot". The author does not seem to have realized that 13 moons (not 12 months as given on page 30) must be taken into consideration when computing the Lunda year — he is one moon short; the moons cannot be paralleled with the English month names and divisions; correspondencies vary from year to year.

This whole essay is impressive and instructive to anyone who would collect Bantu histories or historical fragments.

C.M.D.

A South African Medical Pioneer. R.H.W. SHEPHERD. (Lovedale Press: 1952.) 249 pp., 10/6.

This is the life story of Dr. Neil Macvicar of Lovedale, told by a close friend of his, the Principal of Lovedale. Neil Macvicar's first African experience was a Mission doctor in Blantyre, Nyasaland, where he organized the hospital during four years of service. Differences regarding his theological beliefs led to the termination of his services there; and through Dr. Stewart he

was appointed to the staff of Lovedale in 1902. The development of the Victoria Hospital there and all the wide influence of Lovedale's medical services are due to this pioneer of medical help for the Bantu in South Africa. He soon recognized the prevalence of scurvy and his reports on this were a major means of improvement in the diet of mine Natives. His eye work caused miracles of healing among sufferers from cataract and other eye complaints. But his greatest healing work was perhaps that in regard to tuberculosis, and to-day the Macvicar Tuberculosis Hospital stands as a worthy memorial to his self-sacrificing labours. Nursing training was another thing to be credited to his devoted initiative, along with the help of his colleague, Sister Balmer. Sir Edward Thornton paid this tribute to him on his retirement: "He is revered to-day by Europeans and Natives alike. He has, perhaps, done more than any other living man in South Africa to promote the public health among the Bantu . . . He has indeed given of his best to South Africa, and he has started a health movement that nothing can now hold up." At his funeral, in 1949, Dr. R.T. Bokwe said: "He was the father of African hospitalization in Southern Africa, the saviour of many thousands of African lives . . . Every African woman, who day wears the nursing strap across her shoulder, should remember that she owes it to the courage and faith of this man."

The author gives a clear picture of the sterling character of Dr. Macvicar, and adds to his story a section dealing with his own religious faith.

C.M.D.

Akan Traditions of Origin. EVA L.R. MEYEROWITZ. (Faber & Faber : 1952.) 149 pp., 30/-.

This is a companion volume to the author's *The Sacred State of the Akan*, published in 1951; and it covers the historical background to that study. Most of the information was given to the

author by various chiefs and groups of elders, and one cannot help noticing how often there was great reticence in supplying information which is considered private and sacred to the tribe. At times information was frankly refused; at other times it was only given on condition that the informants name was not divulged. It is obvious that information passed on is at times incomplete or misleading (see footnote to p. 104). The anthropologist has a heavy responsibility in publishing such information without tribal goodwill.

There is much in this book of considerable value to those working among the Akan. The earlier chapters, particularly that on the Bono Kingdom, are the most interesting to the lay reader. The wealth, in the past, of the gold possessed by the chiefs is amazing. The author's earlier work gave full and illuminating details of the intricate system of gold weights used. In this work it is shown how the lengths of the reigns of each king were recorded by ceremonially placing a gold piece each year in a vessel. "The reigns of their Kings were counted by small pieces of gold, or gold nuggets, each representing a year; those of the queenmothers by pieces of silver. These records were kept in *kudnos* — vessels of gold or brass — in the case of kings, and terracotta vessels in the case of queenmothers, and are still in existence to-day in the Chapel of the Stools at Takyiman." It seems that the Paramount Chief of Takyiman ordered the Head of the Stool-bearers and other officials to count the gold and silver pieces in each of the vessels for the author's research. The results, making possible the compilation of a list of the kings and the lengths of their reigns, were noted down by the author's interpreter, during her absence from the Gold Coast.

The book is attractively produced and bound, perhaps too attractively for these hard times; much paper might have been saved, and the price for a book of this kind could have been greatly reduced.

C.M.D.